



F.No.89-773/E-95012/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Maa Bharti Teachers Training Institute, Mahaveer Nagar-III, Kota – 324005, Rajasthan dated 29.10.2018 is against the letter dated 02.03.2009 of the Northern Regional Committee, thereby returning its application for conducting D.El.Ed. course on the following grounds: -

- *"The NCTE Hqrs. Has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed. / STC / Shiksha Shastri course to any institution in the State of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned."*

AND WHEREAS the appellant filed a S.B. Civil Writs No. 23630 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 23/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. C.M. Kaushik, Director and Sh. Gajendra, Accountant, Maa Bharti Teachers Training Institute, Mahaveer Nagar-III, Kota – 324005, Rajasthan presented the case of the appellant institution on 30/01/2019. In the appeal and during personal presentation, the appellant could not explain or give satisfactory reply for not representing against return of its application during the last ten years. The appellant institution also admitted that application fee was also refunded in the year 2009.

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. The Committee noted that the submission of the appeal has been delayed by almost nine years beyond the period of sixty days prescribed under the Appeal Rules. The Committee noted that according to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under Section 14, Section 15 or Section 17 of the NCTE Act, 1993 may prefer an appeal to the Council within sixty days of issue of such orders. According to the Proviso to Rule 10, an appeal may be admitted after the expiry of the said period of sixty days, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the period of limitation of sixty days.

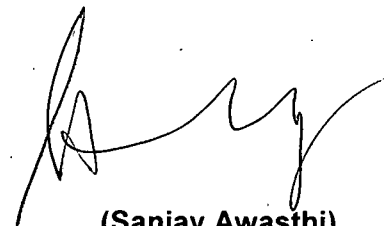
AND WHEREAS the Committee noted that the impugned letter of the NRC returning the application of the appellant was issued in the year 2009 and it is not an Order issued under any one of the Sections of the NCTE Act, 1993 mentioned in para 4 above. Notwithstanding this position, the appellant inordinately delayed making the appeal. The appellant has not given any reason whatsoever for the inordinate delay. The Committee further noted that, a plain reading of the appeal reveals that, all the submissions made therein have no relevance to the contents of the letter of N.R.C.

AND WHEREAS Appeal Committee also noted that while returning the application made by appellant institution, NCTE had also refunded the application fee. After return of application in original and refund of application fee by NCTE virtually no application had existed for several years. In the present scenario even if the applicant has now become eligible to apply afresh with necessary approvals from the affiliating body and the State Government, the already returned application cannot be revived in view of the direction of Supreme Court to decide all applications in conformity of NCTE Regulations, 2014. In many similar cases where applicants had filed Writ Petitions in the High Court of Judicature for Rajasthan, Bench at Jaipur, the direction given by the Hon'ble High Court to N.R.C. was to consider the applications of petitioners provided they apply afresh in accordance with the NCTE Regulations, 2014. Appeal Committee noted that in a few cases where appellants resubmitted their old returned

applications, the N.R.C. without ensuring that the applicant submits a fresh application as and when NCTE invites applications, had mistakenly considered such applications, conducted inspections and issued L.O.s. On reconsideration of the whole matter Appeal Committee has now decided that appellant is free to submit application afresh as and when NCTE invites application by issuing a public notification. Appeal Committee has also decided to make a deviation from its earlier decision where a few appeal matters were remanded back which subsequently resulted in technical and procedural difficulties in view of the general guidelines given by the Hon'ble Supreme Court of India.

AND WHEREAS the Committee, in view of the position stated in above paras, decided not to condone the delay in submission of the appeal. Hence the appeal is not admitted.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded not to condone the delay in submission of the appeal. Hence the appeal is not admitted.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Maa Bharti Teachers Training Institute, Mahaveer Nagar-III, Kota – 324005, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

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F.No.89-774/E-95013/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Mahatma Gandhi T.T. College, Ramgarh, Sarapada Road, Mahwa – 321608, Rajasthan dated 29.10.2018 is against the Letter No. 7-15/Returning of Application S.No.-1162/Rajasthan/2009/71890 dated 19/03/2009 of the Northern Regional Committee, thereby returning its application for conducting D.El.Ed. course on the following grounds: -

- *"The NCTE Hqrs. Has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed. / STC / Shiksha Shastri course to any institution in the State of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned."*

AND WHEREAS the appellant filed a S.B. Civil Writs No. 22677 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 04/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Jitendra Sharma, Secretary, Mahatma Gandhi T.T. College, Ramgarh, Sarapada Road, Mahwa – 321608, Rajasthan presented the case of the appellant institution on 30/01/2019. In the appeal and during personal presentation, the appellant submitted the following:-

- "i) *That this institution had applied for grant of recognition of D.El.Ed. course to NCTE from 2009-10 on 11.06.2008 with required processing fees of Rs. 40000/- and other relevant documents. NRC, NCTE had sent the receipt of application on 27.06.2008. Copy of acknowledgement letter issued by NRC, NCTE dated 27.06.2008 is annexed with the appeal. NRC, NCTE had issued a deficiency letter on 14.07.2008 which was replied along with required documents to NRC, NCTE on 13.10.2008. The NRC, instead of processing of the application for grant of recognition for D.El.Ed. course, had returned the application on 19.03.2009 on arbitrary, unjustified, illegal and unconstitutional basis. The Appellate Authority, NCTE had already decided by its Order dated 16.10.2017 that "The ground of non-submission of application online cannot be held against the appellant at this stage and therefore, the matter deserves to be remanded to the NRC for taking further action as per the NCTE Regulations 2014". The Appellate Authority, NCTE had already decided by its Order dated 27.11.2017 that "Once applications are invited, the regional committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." The Appellate Authority, NCTE had already decided by its Order dated 16.03.2018 that "The Show Cause Notice (S.C.N.) dated 18.03.2017 on the ground that Appellant had not submitted online application was not justified as there was no way the appellant, whose application was pending since Sept. 2008, could have complied with the requirement of submitting application online more so when the NCTE Portal for registering fresh applications was not open. Appeal Committee, therefore, decided to remand back the case to NRC for restarting the processing of application from the stage where it was decided to issue L.O.I. The Department of Elementary Education (Ayojana), Govt. Rajasthan had sent a letter to Member Secretary, NCTE, New Delhi on 01.01.2018 in which it is clearly mentioned that no ban has been imposed for D.El.Ed. course for session 2019-2020."*

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. The Committee noted that the submission of the appeal has been delayed by almost nine years beyond the period of sixty days prescribed under the Appeal Rules. The Committee noted that according to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under Section 14, Section 15 or Section 17 of the NCTE Act, 1993 may prefer an appeal to the Council within sixty days of issue of such orders. According to the Proviso to Rule 10, an appeal may be admitted after the expiry of the said period of sixty days, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the period of limitation of sixty days.

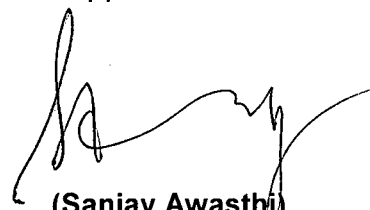
AND WHEREAS the Committee noted that the impugned letter of the NRC returning the application of the appellant was issued in the year 2009 and it is not an Order issued under any one of the Sections of the NCTE Act, 1993 mentioned in para 4 above. Notwithstanding this position, the appellant inordinately delayed making the appeal. The appellant has not given any reason whatsoever for the inordinate delay. The Committee further noted that, a plain reading of the appeal reveals that, all the submissions made therein have no relevance to the contents of the letter of N.R.C's.

AND WHEREAS Appeal Committee also noted that while returning the application made by appellant institution, NCTE had also refunded the application fee. After return of application in original and refund of application fee by NCTE virtually no application had existed for several years. In the present scenario even if the applicant has now become eligible to apply afresh with necessary approvals from the affiliating body and the State Government, the already returned application cannot be revived in view of the direction of Supreme Court to decide all applications in conformity of NCTE Regulations, 2014. In many similar cases where applicants had filed Writ Petitions in the High Court of Judicature for Rajasthan, Bench at Jaipur, the direction given by the Hon'ble High Court to N.R.C. was to consider the applications of petitioners provided they apply afresh in accordance with the NCTE Regulations, 2014. Appeal

Committee noted that in a few cases where appellants resubmitted their old returned applications, the N.R.C. without ensuring that the applicant submits a fresh application as and when NCTE invites applications, had mistakenly considered such applications, conducted inspections and issued L.O.s. On reconsideration of the whole matter Appeal Committee has now decided that appellant is free to submit application afresh as and when NCTE invites application by issuing a public notification. Appeal Committee has also decided to make a deviation from its earlier decision where a few appeal matters were remanded back which subsequently resulted in technical and procedural difficulties in view of the general guidelines given by the Hon'ble Supreme Court of India.

AND WHEREAS the Committee, in view of the position stated in above paras, decided not to condone the delay in submission of the appeal. Hence the appeal is not admitted.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded not to condone the delay in submission of the appeal. Hence the appeal is not admitted.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Mahatma Gandhi T.T. College, Ramgarh, Sarapada Road, Mahwa – 321608, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-775/E-94937/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of District Institute for Education and Training (D.I.E.T.) 263, Sant Kabir Nagar, Khalilabad – 272175, Uttar Pradesh dated 27.10.2018 is against the Order No. NRC/NCTE/NRCAPP-13665/262nd (Part-8) Meeting/2017/166485 dated 04/02/2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the following grounds: -

- *"The institution has not submitted the list of faculty approved by competent authority in response to the LOI issued 18.10.2016. Show Cause Notice was issued on 27.12.2016 in this regard. The reply was received on 20.01.2017. However, no list of approved faculty was submitted with the reply."*

AND WHEREAS Sh. Rajesh Kumar, Representative, District Institute for Education and Training (D.I.E.T.) 263, Sant Kabir Nagar, Khalilabad – 272175, Uttar Pradesh presented the case of the appellant institution on 30/01/2019. In the appeal and during personal presentation the appellant submitted that :-

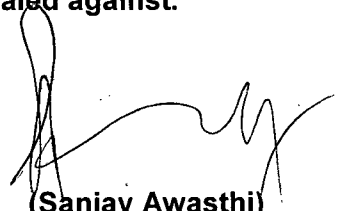
- *"Approved faculty list was submitted vide letter No. 911/Dated 11 Jan. 2017 and letter No. 972/dated 03 Feb., 2017."*

AND WHEREAS Appeal Committee noted that the present appeal filed by appellant institution is delayed by more than a year and seven months and the reasons for delay are not convincing. Appeal Committee noted that submission made by appellant with regard to submission of a list of faculty to N.R.C. by its letter dated 11/01/2017. Appeal Committee noted that SCERT, Lucknow had accorded its ex post - facto approval on 16/01/2017 to the creation of a number of academic and

non-academic posts for the SCERT. Appeal Committee further observed that NCTE, Regulation provide for selection and appointment of faculty as per laid down norms rather than creation of posts. Appellant institution had failed to submit list of faculty appointed as per requirement for 4 units of D.El.Ed. programme. Appeal Committee decided to confirm the impugned refusal order dated 04/02/2017.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the impugned refusal order dated 04/02/2017.

NOW THEREFORE, the Council hereby confirms the Order appealed against.



(Sanjay Awasthi)
Member Secretary

1. The Principal, District Institute for Education and Training (D.I.E.T.) 263, Sant Kabir Nagar, Khalilabad – 272175, Uttar Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.



F.No.89-776/E-95058/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of S.S. Teachers Training School, Tutoly, Chaksu, Jaipur – 303903, Rajasthan dated 04.11.2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-7964/2013-14/50200 dated 19/06/2013 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. course on the following grounds: -

- *"In cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014".*

AND WHEREAS the appellant filed a S.B. Civil Writs No. 24468 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 31/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. P. Singh, President and Sh. Kana Ram Jat, Member, S.S. Teachers Training School, Tutoly, Chaksu, Jaipur – 303903, Rajasthan presented the case of the appellant institution on 30/01/2019. In the appeal and during personal presentation, it was submitted that *"The NRC erred in deciding the matter and did not make any effort to even look on the application in consonance of NCTE's Regulation under which the application was submitted offline. Further, it is also reiterated here that there was in submitting the application online and after directions of Hon'ble Court narrated above the application was submitted offline. If the institution were provided*

opportunity to move an application before the NRC as per the directions of Hon'ble Court given in another identical matters, it would have been done but due to the virtual impossibility, online submission was totally impossible. The appellant institution submitted his application along with in reference to other matter, but the respondent committee not considered the matter as per reference. In the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E8922/2017 Appeal/ 15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T. T. College directed the NRC to process further the application on the ground that the Committee noted that the appellant could not have submitted the application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, Which is a virtual due to closure of NCTE portal."

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in their meeting held on 27/12/2018 that the Council, in their letter NO. F. 67/19/2018 – US (Legal) – HQ dt. 18/12/2018, addressed to all their Regional Committees, in the context of the various orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India referred to therein, directed ensuring compliance of the orders of the Hon'ble Courts and adherence to the provisions of the Regulations 5 (3), 7(4), 7 (5) and 7 (6) of the NCTE Regulations, 2014, irrespective of its stage of processing of application, course, year of application and State it pertains.

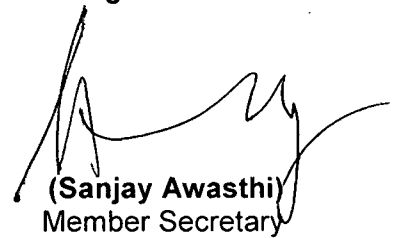
AND WHEREAS Appeal Committee also noted that while returning the application made by appellant institution, NCTE had also refunded the application fee. After return of application in original and refund of application fee by NCTE virtually no application had existed for several years. In the present scenario even if the applicant has now become eligible to apply afresh with necessary approvals from the affiliating body and the State Government, the already returned application cannot be revived in view of the direction of Supreme Court to decide all applications in conformity of NCTE Regulations, 2014. In many similar cases where applicants had filed Writ Petitions in the High Court of Judicature for Rajasthan, Bench at Jaipur, the direction given by the Hon'ble High Court to N.R.C. was to consider the applications of petitioners provided

they apply afresh in accordance with the NCTE Regulations, 2014. Appeal Committee noted that in a few cases where appellants resubmitted their old returned applications, the N.R.C. without ensuring that the applicant submits a fresh application as and when NCTE invites applications, had mistakenly considered such applications, conducted inspections and issued L.O.s. On reconsideration of the whole matter Appeal Committee has now decided that appellant is free to submit application afresh as and when NCTE invites application by issuing a public notification. Appeal Committee has also decided to make a deviation from its earlier decision where a few appeal matters were remanded back which subsequently resulted in technical and procedural difficulties in view of the general guidelines given by the Hon'ble Supreme Court of India.

AND WHEREAS in view of the above categorical decision of the Council and observation made above, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, S.S. Teachers Training School, Tutoly, Chaksu, Jaipur – 303903, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-777/E-95057/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of S.S. Girls College, Tutoly, Post Tutoly, Chaksu – 303903, Rajasthan dated 04.11.2018 is against the Order No. NCTE/NRC/NRCAPP201616082/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2017-18/2; dated 25/04/2017 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the following grounds: -

- “The institution has not submitted the certified registered land documents issued by the Registering Authority or civil authority concerned. The institution has not submitted the Land Use Certificate issued by the Competent Authority to the “and for educational purpose. The institution has not submitted the Non-Encumbrance Certificate issued by the Competent Authority indicating that land is for educational purpose. Hence, the Committee decided that the application and recognition / permission is refused 14/15 of the NCTE Act, 1993.”

AND WHEREAS Sh. P. Singh, President and Sh. Kana Ram Jat, Member, S.S. Girls College, Tutoly, Post Tutoly, Chaksu – 303903, Rajasthan presented the case of the appellant institution on 30/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

- “i) Petitioner has invested a huge amount to develop the infrastructure of the college as per the NCTE guidelines and submitted online application form but the respondents have issued a show cause notice to the petitioner institution. The petitioner has submitted a detailed reply to the deficiency

letter but the respondents without considering the reply to the SCN has rejected the file.

- ii) The NRC-NCTE while refusing the file has mentioned that the reply was not received within stipulated time. In this regard, it is mentioned that a show cause notice was issued on 27/01/2017 and the same was received late and as soon the petitioner received the same he filed reply, but the NRC-NCTE has rejected the file vide order dated 25/04/2017. The action of the respondents is contrary to law and the article 14 of the Constitution of India which provides for reasonableness and fairness in State action as a necessary adjourn of the same. It is required from the State to be responsive towards the plight of citizens. It is hereby prayed to the Appellate Authority of NCTE that the impugned order dt. 25.04.2017 rejecting our application seeking grant of recognition be quashed and set-aside being unfounded, unsustainable, unreasonable and discriminatory in nature."

AND WHEREAS Appeal Committee noted that appellant institution had filed a S.B. Civil Writ No. 24465/2018 in the High Court of Judicature for Rajasthan, Bench at Jaipur and the Hon'ble Court had made an order dated 31/10/2018 granting liberty to the appellant to avail remedy of appeal which is to be dealt with in accordance with law.

AND WHEREAS Appeal Committee further observed that a Show Cause Notice (SCN) dated 27/01/2017 was issued to appellant institution seeking a) bylaws of applicant society b) Certified copy of land documents, c) C.L.U. d) N.E.C. e) approved building plan. Appellant institution submitted reply to S.C.N. which was received in the office of N.R.C. on 10/03/2017. Appeal Committee noted that appellant institution failed to submit certified copy of land document and the C.L.U. and N.E.C. submitted were found to be not issued by appropriate Competent Authorities. The impugned refusal order dated 25/04/2017 on the persistent deficiencies is an appealable order

under Section 18 of the Act and the time limit for making appeal is 60 days from the date of issue of impugned order.

AND WHEREAS Appeal Committee noted that although the appellant had with him certified copies of land documents, he never submitted these documents to N.R.C. even after getting a Show Cause Notice. The Non-Encumbrance Certificate (NEC) submitted by appellant on 30/01/2019 is signed by Tehsildar/Patwari on 26/12/2018 i.e. a date even after filing of the appeal. Appeal Committee further noted that appellant has not mentioned any reason whatsoever, for the delay of 1 year and 5 months. As per provision of extant appeal rule Appeal Committee can condone delay in preferring appeal only if the appellant has got some valid and justifiable reasons. In the present case appellant failed to mention any reason for the inordinate delay in preferring timely appeal and not submitted the relevant documents in compliance with the requirements of S.C.N. dated 27/01/2017. Appeal Committee, therefore, decided not to admit the appeal on grounds of delay of more than one year and five months.

AND WHEREAS after perusal of the Memorandum of appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee decided not to admit the appeal on grounds of delay of more than one year and five months.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, S.S. Girls College, Tutoly, Post Tutoly, Chaksu – 303903, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-778/E-95059/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Ambedkar Shikshak Prashikshan Vidyalaya, Basani, Laxmangarh Road, Laxmangarh – 332311, Rajasthan dated 04.11.2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-7292/2013-14/48832 dated 13/06/2013 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. course on the following grounds: -

- *"The NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:-*
 - *The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations.*

- *The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government.*
- *In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."*

AND WHEREAS the appellant filed a S.B. Civil Writs No. 24582 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 01/11/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Bhagirath Singh Dhaka, Secretary, Ambedkar Shikshak Prashikshan Vidyalaya, Basani, Laxmangarh Road, Laxmangarh – 332311, Rajasthan presented the case of the appellant institution on 30/01/2019. In the appeal and during personal presentation, it was submitted *"The controversy settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification*

inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government."

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition

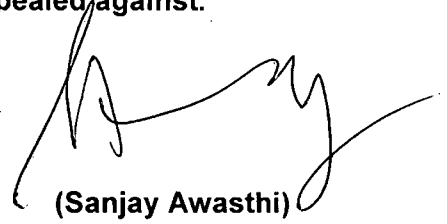
for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs.

AND WHEREAS Appeal Committee also noted that while returning the application made by appellant institution, NCTE had also refunded the application fee. After return of application in original and refund of application fee by NCTE virtually no application had existed for several years. In the present scenario even if the applicant has now become eligible to apply afresh with necessary approvals from the affiliating body and the State Government, the already returned application cannot be revived in view of the direction of Supreme Court to decide all applications in conformity of NCTE Regulations, 2014. In many similar cases where applicants had filed Writ Petitions in the High Court of Judicature for Rajasthan, Bench at Jaipur, the direction given by the Hon'ble High Court to N.R.C. was to consider the applications of petitioners provided they apply afresh in accordance with the NCTE Regulations, 2014. Appeal Committee noted that in a few cases where appellants resubmitted their old returned applications, the N.R.C. without ensuring that the applicant submits a fresh application as and when NCTE invites applications, had mistakenly considered such applications, conducted inspections and issued L.O.s. On reconsideration of the whole matter Appeal Committee has now decided that appellant is free to submit application afresh as and when NCTE invites application by issuing a public notification. Appeal Committee has also decided to make a deviation from its earlier decision where a few appeal matters were remanded back which subsequently resulted in technical and procedural difficulties in view of the general guidelines given by the Hon'ble Supreme Court of India.

AND WHEREAS in view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Ambedkar Shikshak Prashikshan Vidyalaya, Basani, Laxmangarh Road, Laxmangarh – 332311, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-779/E-95060/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Shree Ganesh Shikshak Prashikshan Shansthan, Maheshwas Kalan, Maheshwas, Amer, Jaipur – 302012, Rajasthan dated 05.11.2018 is against the letter No. New Appl./RF/Raj./NRCAPP-4332/2013-14/47996 dated 10/06/2013 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. course on the following grounds: -

- *"The NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:-*
 - *The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations.*

- *The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government.*
- *In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."*

AND WHEREAS the appellant filed a S.B. Civil Writs No. 24470 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 31/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Ramesh Kumar, Secretary, Shree Ganesh Shikshak Prashikshan Shansthan, Maheshwas Kalan, Maheshwas, Amer, Jaipur – 302012, Rajasthan presented the case of the appellant institution on 30/01/2019. In the appeal and during personal presentation, it was submitted *"The controversy settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any*

notification inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government."

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative

recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs.

AND WHEREAS Appeal Committee also noted that while returning the application made by appellant institution, NCTE had also refunded the application fee. After return of application in original and refund of application fee by NCTE virtually no application had existed for several years. In the present scenario even if the applicant has now become eligible to apply afresh with necessary approvals from the affiliating body and the State Government, the already returned application cannot be revived in view of the direction of Supreme Court to decide all applications in conformity of NCTE Regulations, 2014. In many similar cases where applicants had filed Writ Petitions in the High Court of Judicature for Rajasthan, Bench at Jaipur, the direction given by the Hon'ble High Court to N.R.C. was to consider the applications of petitioners provided they apply afresh in accordance with the NCTE Regulations, 2014. Appeal Committee noted that in a few cases where appellants resubmitted their old returned applications, the N.R.C. without ensuring that the applicant submits a fresh application as and when NCTE invites applications, had mistakenly considered such applications, conducted inspections and issued L.O.s. On reconsideration of the whole matter Appeal Committee has now decided that appellant is free to submit application afresh as and when NCTE invites application by issuing a public notification. Appeal Committee has also decided to make a deviation from its earlier decision where a few appeal matters were remanded back which subsequently resulted in technical and procedural difficulties in view of the general guidelines given by the Hon'ble Supreme Court of India.

AND WHEREAS In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Shree Ganesh Shikshak Prashikshan Shansthan, Maheshwas Kalan, Maheshwas, Amer, Jaipur – 302012, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-780/E-95068/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

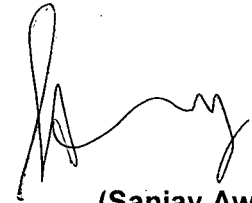
WHEREAS the appeal of Ambika Institute of Teachers Education, Nohari Near Katthamill, A.B. Road, Shivpuri – 473551, Madhya Pradesh dated 08.09.2018 is against the Minutes of 272 Meeting of W.R.C. held on February, 20 – 22, 2017 of the Western Regional Committee, deciding to issue Show Cause Notice in respect of applications seeking recognition for conducting B.Ed. course.

AND WHEREAS Sh. Lokesh Jain, Director, Ambika Institute of Teachers Education, Nohari Near Katthamill, A.B. Road, Shivpuri – 473551, Madhya Pradesh presented the case of the appellant institution on 30/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

“After the decision of pending application land is sufficient to run additional intake of B.Ed. Programme. Institution is having minority status. Land Use Certificate is for 0.386 Hect. which is sufficient for one more pending application (ID : 7047). Built up area is 4524 Sq. Meters. At present only 50 seats are there and additional intake is required.”

AND WHEREAS Appeal Committee noted that appellant did not enclose with the appeal memoranda any copy of the refusal order against which it intends to appeal. Copy of Minutes of 269th Meeting of W.R.C. is enclosed by the appellant mention about a decision (Serial no. 107) to issue Show Cause Notice (SCN). Appeal Committee further noted that minutes of 272 Meeting (Serial No. 29) held on 6-8 April, 2017 make a mention that applicant wishes to discontinue the process of B.Ed. application (ID 7047) and wants to process additional unit of D.El.Ed. course (ID No. 7103). It was on the basis of these minutes that a refusal order dated 04/10/2017 was issued.

AND WHEREAS appeal made by appellant on 08/09/2018 against refusal order dated 04/10/2017 is not only delayed, it lacks merit also. Applicant having once decided to withdraw from a course to facilitate grant of recognition for another courses cannot subsequently get the old application revived. Moreso, the appellant during the course of appeal presentation stated that institution has already been granted recognition for conducting B.Ed. programme (one unit) in February, 2018. Appellant not having submitted copy of impugned order and relevant details; Appeal is denied as infructuous.



(Sanjay Awasthi)
Member Secretary

1. **The Principal, Ambika Institute of Teachers Education, Nohari Near Katthamill, A.B. Road, Shivpuri – 473551, Madhya Pradesh.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-782/E-95338/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Greater Noida College of Education, Greater Noida, 39A, Knowledge Part-3, Dadri – 201306, Uttar Pradesh dated 06.11.2018 is against the Order No. NCTE/NRC/NRCAPP201615064/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/SCN/UP/2017-18/4; dated 10/09/2018 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the following grounds: -

- *"The institution is recognised for two units of B.Ed. course and has applied for B.A. B.Ed./B.Sc. B.Ed. The total built-up area is only 3000 sq. mtr. Which is not sufficient for existing and proposed course as required in NCTE Norms. Hence, the Committee decided that the application is rejected and recognition / permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution."*

AND WHEREAS Dr. Poonam Pandey, Principal, Greater Noida College of Education, Greater Noida, 39A, Knowledge Part-3, Dadri – 201306, Uttar Pradesh presented the case of the appellant institution on 30/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

"Our institution had submitted online application to Northern Regional Committee, NCTE for recognition of B.A. B.Ed. (4 years integrated) course alongwith all essential documents. All the facilities related to infrastructure and instructional are created by the institution as per the requirement of NCTE, Norms and Standards as prescribed for B.A. B.Ed. (4 years integrated) course. Inspection of the institution was carried out by the inspection team of NRC, NCTE on 8th and 9th

March, 2018. The total built-up area with the institute is 4025 sq. mtrs. not 3922 sq. mtrs., as reported by the VT Members. The area of canteen and generator room which is 103 sq. mtrs., was not taken into account by the visiting team members while reporting to NRC, NCTE. The canteen and generator room of the institution is within the boundary of the institution. Therefore, all built-up area should be considered and the same comes to 4025 sq. mtrs.”

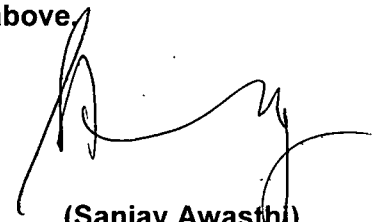
AND WHEREAS Appeal Committee noted that impugned refusal order dated 10/09/2018 is on the ground that total built up area is only 3000 sq. meters which is not adequate for existing and proposed units. On verification of relevant records, Appeal Committee noted that Visiting Team at page 21 of its report had mentioned the built up area to be 3922 Sq. Mtr. The built up area of 3922 Sq. Meters is also mentioned in the B.C.C. and affidavit submitted by appellant institution at the time of inspection.

AND WHEREAS appellant during the course of appeal presentation on 30/01/2018 stated that while calculating the total built up area, an area of 103 Sq. Meters pertaining to canteen and generator room were not taken into consideration. In support of its claim, appellant submitted a B.C.C. issued by Greater Noida Industrial Development Authority (GNIDA). After adding the Canteen, Generator room, Electric room area total built up area comes to 4025 Sq. Mts.

AND WHEREAS Appeal Committee noted that built up area of 3000 Sq. Meters mentioned in the impugned refusal order has no basis and even the Show Cause Notice dated 27/07/2018 mentioned the built up area of 3922 Sq. Meters. Appeal Committee decided that appellant is allowed to submit within 15 days to N.R.C. a copy of B.C.C. issued by G.N.I.D.A. where built up area is recalculated after adding the area of canteen and Generator room. The case deserves to be remanded to N.R.C. for revisiting the matter.

AND WHEREAS after perusal of the Memoranda of Appeal , affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded appellant is allowed to submit within 15 days to N.R.C. a copy B.C.C. issued by G.N.I.D.A. where built up area is recalculated after adding the area of canteen and Generator room. The case deserves to be remanded to N.R.C. for revisiting the matter.

NOW THEREFORE, the Council hereby remands back the case of Greater Noida College of Education, Greater Noida, 39A, Knowledge Part-3, Dadri – 201306, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Jt. Secretary, Greater Noida College of Education, Greater Noida, 39A, Knowledge Part-3, Dadri – 201306, Uttar Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.



F.No.89-783/E-95326/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Dronacharya Women College, Budhi Bawal, 1, Kotkasim, Alwar – 301707, Rajasthan dated 05.11.2018 is against the Letter No. Old App/RJ-----/286/2017/169548 dated 23/03/2017 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. course on the following grounds: -

- *"In cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014".*

AND WHEREAS the appellant filed a S.B. Civil Writs No. 23141 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 09/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Dr. S. Yadav, Director and Parmila Yadav, Principal, Dronacharya Women College, Budhi Bawal, 1, Kotkasim, Alwar – 301707, Rajasthan presented the case of the appellant institution on 30/01/2019. In the appeal and during personal presentation, it was submitted that *"The NRC erred in deciding the matter and did not make any effort to even look on the application in consonance of NCTE's Regulation under which the application was submitted offline. Further, it is also reiterated here that there was in submitting the application online and after directions of Hon'ble Court narrated above the application was submitted offline. If the*

institution were provided opportunity to move an application before the NRC as per the directions of Hon'ble Court given in another identical matters, it would have been done but due to the virtual impossibility, online submission was totally impossible. The appellant institution submitted his application along with in reference to other matter but the respondent committee not considered the matter as per reference. In the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E8922/2017 Appeal/ 15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T. T. College directed the NRC to process further the application on the ground that the Committee noted that the appellant could not have submitted the application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, Which is a virtual due to closure of NCTE portal."

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in their meeting held on 27/12/2018 that the Council, in their letter NO. F. 67/19/2018 – US (Legal) – HQ dt. 18/12/2018, addressed to all their Regional Committees, in the context of the various orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India referred to therein, directed ensuring compliance of the orders of the Hon'ble Courts and adherence to the provisions of the Regulations 5 (3), 7(4), 7 (5) and 7 (6) of the NCTE Regulations, 2014, irrespective of its stage of processing of application, course, year of application and State it pertains.

AND WHEREAS Appeal Committee also noted that while returning the application made by appellant institution, NCTE had also refunded the application fee. After return of application in original and refund of application fee by NCTE virtually no application had existed for several years. In the present scenario even if the applicant has now become eligible to apply afresh with necessary approvals from the affiliating body and the State Government, the already returned application cannot be revived in view of the direction of Supreme Court to decide all applications in conformity of NCTE Regulations, 2014. In many similar cases where applicants had filed Writ Petitions in the High Court of Judicature for Rajasthan, Bench at Jaipur, the direction given by the Hon'ble High Court to N.R.C. was to consider the applications of petitioners provided

they apply afresh in accordance with the NCTE Regulations, 2014. Appeal Committee noted that in a few cases where appellants resubmitted their old returned applications, the N.R.C. without ensuring that the applicant submits a fresh application as and when NCTE invites applications, had mistakenly considered such applications, conducted inspections and issued L.O.s. On reconsideration of the whole matter Appeal Committee has now decided that appellant is free to submit application afresh as and when NCTE invites application by issuing a public notification. Appeal Committee has also decided to make a deviation from its earlier decision where a few appeal matters were remanded back which subsequently resulted in technical and procedural difficulties in view of the general guidelines given by the Hon'ble Supreme Court of India.

AND WHEREAS in view of the above categorical decision of the Council and observations made above, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, Dronacharya Women College, Budhi Bawal, 1, Kotkasim, Alwar – 301707, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-784/E-95325/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Kuldhara Shikshak Prashikshan Mahavidyalaya, Bhanpur Kalan, 573, Jamwaramgarh, Jaipur – 302028, Rajasthan dated 01.11.2018 is against the Order No. NRC/NCTE/NRCAPP-11235/257th (Part-3) Meeting/2016/158926 dated 26/09/2016 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the following grounds: -

- "The institution was given show cause notice vide letter dt. 03.12.2015 with direction to submit the reply within 30 days. The institution did not submit any reply of show cause notice within stipulated time."

AND WHEREAS Sh. Shivraj Gurjar, Joint Secretary, Kuldhara Shikshak Prashikshan Mahavidyalaya, Bhanpur Kalan, 573, Jamwaramgarh, Jaipur – 302028, Rajasthan presented the case of the appellant institution on 30/01/2019. In the appeal and during personal presentation the appellant submitted that :-

"Appellant has invested a huge amount to develop the infrastructure of the college as per the NCTE guidelines and submitted online application form but due to non-issuance of the NOC by affiliating body without any justified reasons is arbitrary and unreasonable and unjust. Appellant submitted an application before affiliating body for grant of NOC well within time. Despite this the file was not considered by the affiliating body within time. Once the general letter was issued for granting NOC for the Appellant area then there was no need to take separate NOC for each and every college, the said letter dated 15/04/2015 may be treated as NOC and if after scrutiny any deficiency is found then same may be considered at the time. The respondent has authority to reject / refuse for not

considering such colleges who are not as per the provisions of the affiliating/ recognizing body. But the respondents have issued a show cause notice on 03/12/2015 wherein they have specifically averred that the Appellant has not submitted a NOC of affiliating body, rejecting the file vide order dated 26/09/2016 is illegal and unjust. The reason assigned for rejection/ refusing the application for grant of recognition of B.Ed. course is illegal and unsustainable. The NCTE while refusing the file has mentioned has not submitted reply to the show cause notice well within time. In this regard, it is mentioned that a show cause notice was issued on 03/12/2015 and the reply to show cause notice was filed on 12/01/2016 much prior to the rejection of the application but the respondents in a very hyper technical manner rejected the file of Appellant institution which is illegal and unjust.”

AND WHEREAS Appeal Committee noted that the present appeal is delayed by about 2 years as appellant was informed by the impugned refusal order dated 26/09/2016 (received on 04/02/2017) that in case applicant is not satisfied with the order it may prefer appeal within 60 days. Appeal Committee further noted that appellant society had filed a S.B. Civil Writ No. 11378/2018 in the High Court of Judicature for Rajasthan and the Hon'ble High Court by its order dated 07/08/2018 had granted liberty to the petitioner to file an appeal under Section 18 of the NCTE Act. Appellant has accordingly filed appeal stating the reasons mentioned in para 2 above/prepage.

AND WHEREAS on perusal of the regulatory file, Appeal Committee observed that appellant institution was issued a Show Cause Notice (SCN) dated 03/12/2015 thereby informing the applicant that it had failed to submit N.O.C. of affiliating body with the hard copy of application as required under Clause 5 (3) of NCTE Regulation, 2014. Appellant was required to submit its written representation to N.R.C. within 30 days of the issue of S.C.N. Appellant in its written submission stated that it had given a reply dated 12/01/2016 to N.R.C. and furnished a copy to Appeal Committee. Appeal Committee noted from the submissions made by appellant by its letter dated

12/01/2016 that applicant had confused the recommendation of State Government required to be obtained by Regional Committee under Clause 7 (4) with that of N.O.C. of affiliating body required to be submitted by applicant institution under Clause 5 (3) of NCTE Regulation, 2014. Whereas obtaining recommendation of the State Government is the function entrusted to the Regional Committee, onus and the responsibility to submit N.O.C. from affiliating body lies with the applicant. Appeal Committee considering that appellant had failed to submit N.O.C. of affiliating body along with its application and neither had preferred appeal on time, decided to confirm the impugned refusal order issued by N.R.C.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the impugned refusal order issued by N.R.C.

NOW THEREFORE, the Council hereby confirms the Order appealed against.



(Sanjay Awasthi)
Member Secretary

1. **The Secretary, Kuldhara Shikshak Prashikshan Mahavidyalaya, Bhanpur Kalan, 573, Jamwaramgarh, Jaipur – 302028, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-785/E-95324/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Gurukul Shikshan Prashikshan Mahavidhyalaya, Mojmad, Jaipur – 303009, Rajasthan dated 04.11.2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-9399/2013-14/48386 dated 11/06/2013 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. course on the following grounds: -

- *"The NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:-*
 - *The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations.*

- *The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government.*
- *In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."*

AND WHEREAS the appellant filed a S.B. Civil Writs No. 24467 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 31/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Krishan Kumar, Secretary, Gurukul Shikshan Prashikshan Mahavidhyalaya, Mojmad, Jaipur – 303009, Rajasthan presented the case of the appellant institution on 30/01/2019. In the appeal and during personal presentation, it was submitted *"The controversy settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher*

education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government."

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition

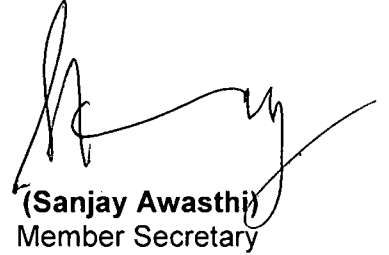
for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs.

AND WHEREAS Appeal Committee also noted that while returning the application made by appellant institution, NCTE had also refunded the application fee. After return of application in original and refund of application fee by NCTE virtually no application had existed for several years. In the present scenario even if the applicant has now become eligible to apply afresh with necessary approvals from the affiliating body and the State Government, the already returned application cannot be revived in view of the direction of Supreme Court to decide all applications in conformity of NCTE Regulations, 2014. In many similar cases where applicants had filed Writ Petitions in the High Court of Judicature for Rajasthan, Bench at Jaipur, the direction given by the Hon'ble High Court to N.R.C. was to consider the applications of petitioners provided they apply afresh in accordance with the NCTE Regulations, 2014. Appeal Committee noted that in a few cases where appellants resubmitted their old returned applications, the N.R.C. without ensuring that the applicant submits a fresh application as and when NCTE invites applications, had mistakenly considered such applications, conducted inspections and issued L.O.s. On reconsideration of the whole matter Appeal Committee has now decided that appellant is free to submit application afresh as and when NCTE invites application by issuing a public notification. Appeal Committee has also decided to make a deviation from its earlier decision where a few appeal matters were remanded back which subsequently resulted in technical and procedural difficulties in view of the general guidelines given by the Hon'ble Supreme Court of India

AND WHEREAS in view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Gurukul Shikshan Prashikshan Mahavidhyalaya, Mojmad, Jaipur – 303009, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-786/E-95318/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Gurukul Shikshan Prashikshan Mahavidyalaya, Rasili Road, Mauzmabad – 303009, Rajasthan dated 05.11.2018 is against the Order No. NCTE/NRC/NRCAPP201615496/Bachelor of Education [B.Ed.]/RJ/2017-18/2; dated 25/04/2017 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the ground that the reply of the institution received in NRC on 17.03.2017 to the SCN issued by NRC on 24.02.2017 was considered by the Committee and following observations were made. The State Govt. vide its letter dated 02.11.2016 has specifically (S.No.52) given its negative recommendation with respect of the institution for B.Ed. course for the session 2017-18. Hence, the Committee decided that the application is rejected and recognition/permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution.

AND WHEREAS the appellant, aggrieved by the order of the N.R.C., filed a S.B. Civil Writs No. 24853/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 03/11/2018 closed the proceedings, with liberty reserved to the petitioner to avail the remedy of appeal under Section 18 of the NCTE Act, 1993. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Krishan Kumar, Secretary, Gurukul Shikshan Prashikshan Mahavidyalaya, Rasili Road, Mauzmabad – 303009, Rajasthan presented the case of the appellant institution on 30/01/2019. In the appeal and during personal presentation the appellant submitted (i) at the time of submission of their application on 31/05/2016,

the State Government Policy dt. 21/12/2015 and 23/02/2016, wherein the State Government took a decision to grant permission for opening B.Ed. course in the Tehsils mentioned in the Annexure, was applicable; (ii) they obtained NOC from Rajasthan University; (iii) their application was forwarded to the State Government, who in their letter dt. 02/11/2016 gave positive recommendations; (iv) in mid process of their application; the State Government changed their policy, as referred to in the N.R.C's minutes, but no such letter/policy was ever communicated; (v) N.R.C. issued a Show Cause Notice and the appellant submitted a detailed representation on 17/03/2017; (vi) the appellant requested the N.R.C. for a copy of the negative recommendation of the State Government but it was denied giving reference that it is an internal communication between the authorities; (vii) the action of the State Government to change its policy and not making it available in public domain is arbitrary and illegal; (viii) as per the orders of the State Government dt. 21/12/2015 and 23/02/2016, Tehsil Mousmabad is eligible for opening new B.Ed. course and N.R.C. taking note of positive recommendation processed their application; (ix) in the midst of processing their application a subsequent order (not available to the appellant as well as N.R.C.) cannot be made applicable; (x) the N.R.C. has not taken into account the judgement of Sant Dhyaneswar Shiikshan Shashtra Mahavidyalaya according to which the Regional Committee should decide on its own independently and the N.R.C ought not have rejected merely on account of negative recommendations of the State Government; and (xi) the institution invested a huge amount in establishing the institution and for running B.Ed. course. The appellant requested that the N.R.C's order dt. 25/04/2017 be quashed and set aside and their appeal accepted.

AND WHEREAS the Committee noted from a copy of the letter no. F 24 (Recmm17-18)/Akashi/16/376 dt. 02/11/2016 from the Government of Rajasthan addressed to the Regional Director, N.R.C. and available in the file that the State Government, inviting a reference to their earlier letter dt. 23/02/2016, enclosed a list of institutions applied for grant of recognition for B.Ed. Course in which against the name of the appellant institution, it is mentioned that one B.Ed. college is running in Tehsil

Mousmabad and as per the earlier order dt. 23/02/2016, the State Government will issue N.O.C. only in respect of Tehsils which have no B.Ed. college.

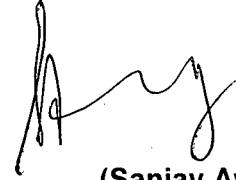
AND WHEREAS it has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs. In view of this position, the Committee

concluded that the N.R.C. was justified in refusing recognition and therefore, the appeal deserved to be rejected and the Order of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above the Committee concluded that the N.R.C. was justified in refusing recognition and therefore, the appeal deserved to be rejected and the Order of the N.R.C. confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.



(Sanjay Awasthi)
Member Secretary

1. **The Secretary, Gurukul Shikshan Prashikshan Mahavidyalaya, Rasili Road, Mauzmad - 303009, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector - 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-788/E-95314/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Dasmesh Girls College, Chak Alla Baksh, G.R. Road, Mukerian – 144211, Punjab dated 12.11.2018 is against the Order No. NCTE/NCTE/NRCAPP-12462/289th/Meeting/2018/197778 dated 16/10/2018 of the Northern Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the grounds that "(i) The Principal appointed does not process M.Ed. Degree; (ii) Teacher has not been appointed for 'Science' subject; and (iii) Appointments of Teachers mentioned at S.No. 6 and 7 in the list submitted by the institution have not been approved by the affiliating University."

AND WHEREAS Dr. Ravinder Chadha, Principal and Sh. A.R. Rana, Supdt., Dasmesh Girls College, Chak Alla Baksh, G.R. Road, Mukerian – 144211, Punjab presented the case of the appellant institution on 30/01/2019. In the appeal and during personal presentation the appellant submitted that (i) theirs is a Composite Institution as per definition of composition institution given in NCTE Regulations 2014. Therefore, there is no need of Principal having M Ed Degree. They are running 6 Under Graduate and 7 Post-Graduate courses. Dr. (Mrs.) Ravinder Chadha, M.A., Ph.D. is working as Principal. Her appointment has been approved by the Panjab University vide their Letter No Misc./A-7/9285 dated 17/8/2017(copy attached); (ii) they are not running B Sc B Ed Course. Therefore, there is no requirement of science teacher. To cover the Perspectives in Education/pedagogy subject, Ms. Surabhi Aggarwal has been appointed as Asstt. Professor in Education (Sociology) through Panel detailed by the Panjab University, Chandigarh. Her case for approval of appointment has been taken up with the University vide their letter No DGC/ 240 /2017-18 dated 30.08.2017(Photocopy of letter alongwith Proceedings of the selection Committee and list of candidates appeared for the interview is enclosed). Her approval letter is

awaited from the University and (iii) Advertisement for one more regular teacher in (Sociology, Psychology, and Philosophy) subject was given in the Tribune and Hindustan Times newspapers on 04 July 2018 (Photocopy attached). As no suitable candidate was found to be appointed, a fresh advertisement has been flashed in the Tribune and The Hindustan Times on 13 Oct. 2018 (photocopy attached).

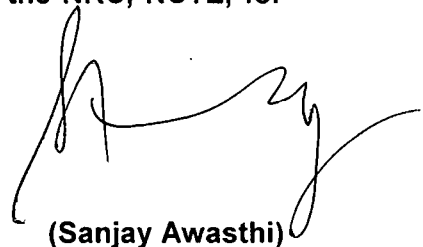
AND WHEREAS the Committee noted that the N.R.C. granted recognition to the appellant for conducting B.A. B.Ed./B.Sc. B.Ed. course with one unit (50 intake) in their order dt. 02.05.2016. After issue of the recognition order, N.R.C. issued a Show Cause Notice on 09/06/2016 on the ground that the appellant has not submitted list of teachers duly approved by the affiliating university. On receipt of a reply, N.R.C. issued another Show Cause Notice on 09/09/2016 on account of insufficient number of teachers. The N.R.C. issued another Show Cause Notice on 29/09/2017 on the grounds of non-submission of faculty for physical education and C.L.U. On receipt of a reply dt. 10/11/2017, N.R.C. issued yet another Show Cause Notice on 13/06/2018 pointing out shortage of faculty and non-submission of CLU. On receipt of a reply dt. 04/09/2018, the N.R.C. refused recognition on 16/10/2018 on the grounds mentioned in the refusal order appealed against.

AND WHEREAS the Committee noted that after grant of formal recognition, there cannot be an order refusing recognition, but only a withdrawal order, if the Regional Committee so decides. In these circumstances, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to issue a corrective/appropriate order according to the relevant provisions of the NCTE Act, 1993. While doing so the N.R.C. may take into account the submissions made by the appellant in their appeal. The appellant is directed to forward to the NRC, a copy of the submissions made in the appeal, within 15 days of receipt of the orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded

that the matter deserved to be remanded to the N.R.C. with a direction to issue a corrective/appropriate order according to the relevant provisions of the NCTE Act, 1993. While doing so the N.R.C. may take into account the submissions made by the appellant in their appeal. The appellant is directed to forward to the N.R.C., a copy of their submission made in the appeal, within 15 days of receipt of the orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Dasmesh Girls College, Chak Alla Baksh, G.R. Road, Mukerian – 144211, Punjab to the NRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Principal, Dasmesh Girls College, Chak Alla Baksh, G.R. Road, Mukerian – 144211, Punjab.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Punjab, Chandigarh.



F.No.89-789/E-95320/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Kuldhara Shikshak Prashikshan Mahavidyalaya, Bhanpur Kalan, Khasra No. 573, Jamwaramgarh, Jaipur – 302028, Rajasthan dated 01.11.2018 is against the Order No. NRC/NCTE/NRCAPP-11239/257th (Part-3) Meeting/2016/159862 dated 10/10/2016 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. course on the following grounds: -

- *"The institution was given show cause notice vide letter dt. 03.12.2015 with direction to submit the reply within 30 days. The institution did not submit any reply of show cause notice within stipulated time."*

AND WHEREAS Sh. Shivraj Gurjar, Joint Secretary, Kuldhara Shikshak Prashikshan Mahavidyalaya, Bhanpur Kalan, Khasra No. 573, Jamwaramgarh, Jaipur – 302028, Rajasthan presented the case of the appellant institution on 30/01/2019. In the appeal and during personal presentation the appellant submitted that:-

"Appellant has invested a huge amount to develop the infrastructure of the college as per the NCTE guidelines and submitted online application form but due to non- issuance of the NOC by affiliating body without any justified reasons is arbitrary and unreasonable and unjust. The Appellant submitted an application before affiliating body for grant of NOC well within time. Despite this the file was not considered by the affiliating body within time. Once the general letter was issued for granting NOC for the Appellant area then there was no need to take separate NOC for each and every college, the said letter dated 15/04/2015 may be treated as NOC and if after scrutiny any deficiency

is found then same may be considered at the time. The respondent has authority to reject / refuse for not considering such colleges who are not as per the provisions of the affiliating/ recognizing body. But the respondents have issued a show cause notice on 03/12/2015 wherein they have specifically averred that the Appellant has not submitted an NOC of affiliating body, rejecting the file vide order dated 26/09/2016 is illegal and unjust. The reason assigned for rejection/ refusing the application for grant of recognition of D.El.Ed. course is illegal and unsustainable. The NCTE while refusing the file has mentioned has not submitted reply to the show cause notice well within time. In this regard, it is mentioned that a show cause notice was issued on 03/12/2015 and the reply to show cause notice was filed on 12/01/2016 much prior to the rejection of the application but the respondents in a very hyper technical manner rejected the file of Appellant institution which is illegal and unjust."

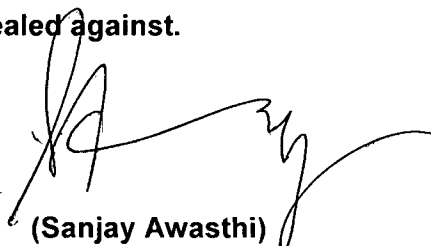
AND WHEREAS Appeal Committee noted that the present appeal is delay by about 2 years as appellant was informed by the impugned refusal order dated 26/09/2016 (received on 04/02/2017) that in case applicant is not satisfied with the order it may prefer appeal within 60 days. Appeal Committee further noted that appellant society had filed a S.B. Civil Writ No. 11378/2018 in the High Court of Judicature for Rajasthan and the Hon'ble High Court by its order dated 07/08/2018 had granted liberty to the petitioner to file an appeal under Section 18 of the NCTE Act. Appellant has accordingly filed appeal stating the reasons mentioned in para 2 above/prepage.

AND WHEREAS on perusal of the regulatory file, Appeal Committee observe^{3d} that appellant institution was issued a Show Cause Notice (SCN) dated 03/12/2015 thereby informing the applicant that it had failed to submit N.O.C. of affiliating body with the hard copy of application as required under Clause 5 (3) of NCTE Regulation, 2014. Appellant was required to submit its written representation to N.R.C. within 30 days of the issue of S.C.N. Appellant in its written submission stated that it had given

a reply dated 12/01/2016 to N.R.C. and furnished a copy to Appeal Committee. Appeal Committee noted from the submissions made by appellant by its letter dated 12/01/2016 that applicant had confused the recommendation of State Government required to be obtained by Regional Committee under Clause 7 (4) with that of N.O.C. of affiliating body required to be submitted by applicant institution under Clause 5 (3) of NCTE Regulation, 2014. Whereas obtaining recommendation of the State Government is the function entrusted to the Regional Committee, onus and the responsibility to submit N.O.C. from affiliating body lies with the applicant. Appeal Committee considering that appellant had failed to submit N.O.C. of affiliating body along with its application and neither had preferred appeal on time, decided to confirm the impugned refusal order issued by N.R.C.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the impugned refusal order issued by N.R.C.

NOW THEREFORE, the Council hereby confirms the Order appealed against.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Kuldhara Shikshak Prashikshan Mahavidyalaya, Bhanpur Kalan, Khasra No. 573, Jamwaramgarh, Jaipur – 302028, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-790/E-95432/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

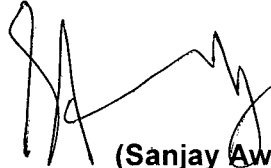
WHEREAS the appeal of Colonel Fateh Jang College, Mhow, Silver Oak Estate, Mhow – 453441, Madhya Pradesh dated 01.11.2018 is against the Order No. WRC/APW02122/223429/290th/2018/200389 dated 28/09/2018 of the Western Regional Committee reducing the intake in B.Ed. course from 100 (two basic units) to 50 (one unit) on the ground that the institution submitted a staff list of 1+9 =10.

AND WHEREAS Dr. K. Choudhary, Principal and Dr. M.S. Pawan, A.O., Colonel Fateh Jang College, Mhow, Silver Oak Estate, Mhow – 453441, Madhya Pradesh presented the case of the appellant institution on 30/01/2019. In the appeal and during personal presentation the appellant submitted that they submitted another list of 6 more faculty members duly approved by the affiliating university to the W.R.C. on 15/05/2018. Even then the W.R.C. has granted only one basic unit while they had approved faculty for two units. The appellant, with the appeal, enclosed copies of two faculty lists – one containing 10 names and another containing 6 names, both countersigned by the Registrar, Devi Ahilya Vishwavidyalaya, Indore.

AND WHEREAS the Committee noted from the file of the W.R.C. that the appellant's letter dt. 14/05/2018 enclosing the original list of 6 faculty members, countersigned by the Registrar of the affiliating university was received on 15/05/2018 i.e. before the issue of the order dt. 28/09/2018 reducing the intake taking into account 9+1 faculty only. In these circumstances, the Committee concluded that the matter deserved to be remanded to the W.R.C. with a direction to consider the list of additional six faculty members submitted by the appellant and issue appropriate revised orders regarding the intake.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that the matter deserved to be remanded to the W.R.C. with a direction to consider the list of additional six faculty members submitted by the appellant and issue appropriate revised orders regarding the intake.

NOW THEREFORE, the Council hereby remands back the case of Colonel Fateh Jang College, Mhow, Silver Oak Estate, Mhow – 453441, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Principal, Colonel Fateh Jang College, Mhow, Silver Oak Estate, Mhow – 453441, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-791/E-95440/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Bhopal Degree College, 393, Ashok Vihar, Bhopal – 462023, Madhya Pradesh dated 02.11.2018 is against the Order No. WRC/APW/01234/222055/D.El.Ed./297th / M.P./2018/200201-208 dated 20/09/2018 of the Western Regional Committee refusing shifting of premises and withdrawing recognition for conducting D.El.Ed. course on the following grounds "This is a case of shifting. Compliance letter was issued on 29.12.2017 regarding inadequacy of diverted land. The institution replied on 30.01.2018. As per documents submitted by the institution, the land is available at khasra no 120/16, 121/1 and 122/2. The institution has now stated that it has applied for diversion of plot under khasra no 120/20. The land documents for khasra no 120/20 has not been submitted and it is not understood how diversion is sought for this land. The institution has also mentioned about built-up area at khasra no 123/20 for which land documents are also not available. The institution had asked for six months' time for submission of diversion. More than six months' time has passed, the institution has not submitted any documents so far. Enough opportunities have been given to the institution to rectify the deficiencies. There has not been any reply to solve the issue of CLU. Hence, shifting is refused and recognition is withdrawn from the end of the academic session."

AND WHEREAS Dr. N.D. Rahi, Manager, Bhopal Degree College, 393, Ashok Vihar, Bhopal – 462023, Madhya Pradesh presented the case of the appellant institution on 30/01/2019. In the appeal and during personal presentation the appellant submitted "that in their reply dated 30.01.2018 khasra nos. 120/20 and 123/20 had been wrongly typed in place of real khasra no. 120/16. Moreover, following the compliance, CLU of land in khasra nos. 120/16 and 121/1, 122/2/3 have been obtained and all the deficiencies are sorted out and concerned documents in this

regard are attached herewith and hard copies are also sent to NCTE along with application for the appeal.

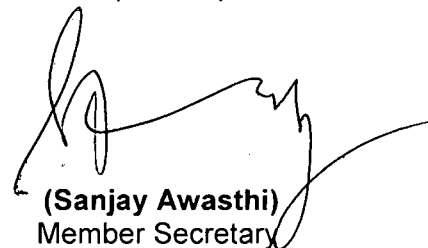
AND WHEREAS the appellant, in a letter dt. 30/01/2019, further submitted that in connection with their proposal for shifting of premises they have sent to the W.R.C. land documents relating to Khasra Nos. 120/16 and 121/1, 122/2/3 with an area of 1.06 acres and these khasra nos. have been mentioned in land title and building permission by panchayat. In response to W.R.C's letter dt. 29/12/2017, they clarified in their reply dt. 30/01/2018 that the Khasra Nos. 120/20 and 123/20 were typed by mistake and the correct Khasra No. should be read as 120/16, which is also recorded in the land documents. The appellant also informed that in Clause 172 of Land Revenue Act, 1959 there is a provision of 6 months for getting land diverted, but due to population of the village being less than 2000 the applications dated 29/01/2018 and 23/06/2018 were not admitted by the Land Revenue Department. Further, the Madhya Pradesh Government on 25/06/2018, had removed the provision of 172 of land Revenue Act, 1959 regarding diversion. The applicant himself calculated the premium to be paid as per Sub Clause 05 of Clause 59 of Land Revenue Act, 1959 (Amended) notified on 27/07/2018 by Madhya Pradesh Government and paid the due amount to the Government under intimation to Department concerned. The applicant had paid the due amount to the Government on 10/10/2018 and got the acknowledgement to the same by the Government. This will suffice for the purpose for getting the land diverted. The applicant has paid the due amount for Khasra No. 12/16 (30 decimal), 121/1, 122/2/3 (50 decimal) i.e. Rs. 9846/- on 04/10/2018 which was again informed to the Land Revenue Department on 18/01/2019.

AND WHEREAS the Committee noted that the appellant at the time of application for shifting of premises on 02/04/2016 itself should have submitted all the land related and other documents to the Regional Committee for processing their application. In the instant case it is seen that the appellant has not furnished the documents relating to land conversion even after expiry of the extension of time sought in January, 2018. In view of the position, refusal for shifting is justified and hence confirmed.

AND WHEREAS the Committee noted that the order appealed against covered two matters, namely, refusal for shifting of premises and withdrawal of recognition. The grounds adduced in the order relate to non-submission of documents required for processing the proposal for shifting of premises. In the circumstances, the Committee concluded that the W.R.C. may be directed to examine the matter relating to withdrawal of recognition separately/independently and after ascertaining whether the institution is functioning at the old premises or has shifted to the proposed premises, the proposal for which has been refused and issue appropriate orders as per the relevant provisions of the NCTE Act, 1993.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that the W.R.C. may be directed to examine the matter relating to withdrawal of recognition separately/independently and after ascertaining whether the institution is functioning at the old premises or has shifted to the proposed premises, the proposal for which has been refused and issue appropriate orders as per the relevant provisions of the NCTE Act, 1993.

NOW THEREFORE, the Council hereby remands back the case of Bhopal Degree College, 393, Ashok Vihar, Bhopal – 462023, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Chairman, Bhopal Degree College, 393, Ashok Vihar, Bhopal – 462023, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-792/E-95438/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Bhopal Degree College, 393, Ashok Vihar, Bhopal – 462023, Madhya Pradesh dated 02.11.2018 is against the Order No. WRC/APW/00025/223110/B.Ed./297th/2018/200266 dated 25/09/2018 of the Western Regional Committee, refusing shifting of premises and withdrawing recognition for conducting B.Ed. course on the following grounds “this is a case of shifting. Compliance letter was issued on 29.12.2017 regarding inadequacy of diverted land. The institution replied on 30.01.2018. As per documents submitted by the institution, the land is available at khasra no. 120/16, 121/1 and 122/2. The institution has now stated that it has applied for diversion of plot under khasra no. 120/20. The land documents for khasra no. 120/20 has not been submitted and it is not understood how diversion is sought for this land. The institution has also mentioned about built-up area at khasra no. 123/20 for which land documents are also not available. The institution had asked for six months’ time for submission of diversion. More than six months’ time has passed, the institution has not submitted any documents so far. Enough opportunities have been given to the institution to rectify the deficiencies. There has not been any reply to solve the issue of CLU. Hence, shifting is refused and recognition is withdrawn from the end of the academic session.”

AND WHEREAS Dr. N. D. Rahi, Representative, Bhopal Degree College, 393, Ashok Vihar, Bhopal – 462023, Madhya Pradesh presented the case of the appellant institution on 30/01/2019. In the appeal and during personal presentation the appellant submitted that in their reply dated 30.01.2018 wherein khasra nos. 120/20 and 123/20 had been wrongly typed in place of real khasra no 120/16. Moreover, following the compliance, CLU of land in Khasra nos. 120/16 and 121/1, 122/2/3 have been obtained and all the deficiencies are sorted out and concern documents in this regard

are attached herewith and hard copies are also sent to NCTE along with application for the appeal.

AND WHEREAS the appellant, in a letter dt. 30/01/2019, further submitted that in connection with their proposal for shifting of premises they have sent to the W.R.C. land documents relating to Khasra Nos. 120/16 and 121/1, 122/2/3 with an area of 1.06 acres and these khasra nos. have been mentioned in land title and building permission by panchayat. In response to W.R.C's letter dt. 29/12/2017, they clarified in their reply dt. 30/01/2018 that the Khasra Nos. 120/20 and 123/20 were typed by mistake and the correct Khasra No. should be read as 120/16, which is also recorded in the land documents. The appellant also informed that in Clause 172 of Land Revenue Act, 1959 there is a provision of 6 months for getting land diverted, but due to population of the village being less than 2000 the applications dated 29/01/2018 and 23/06/2018 were not admitted by the Land Revenue Department. Further, the Madhya Pradesh Government on 25/06/2018, had removed the provision of 172 of land Revenue Act, 1959 regarding diversion. The applicant himself calculated the premium to be paid as per Sub Clause 05 of Clause 59 of Land Revenue Act, 1959 (Amended) notified on 27/07/2018 by Madhya Pradesh Government and paid the due amount to the Government under intimation to Department concerned. The applicant had paid the due amount to the Government on 10/10/2018 and got the acknowledgement to the same by the Government. This will suffice for the purpose for getting the land diverted. The applicant has paid the due amount for Khasra No. 12/16 (30 decimal), 121/1, 122/2/3 (50 decimal) i.e. Rs. 9846/- on 04/10/2018 which was again informed to the Land Revenue Department on 18/01/2019.

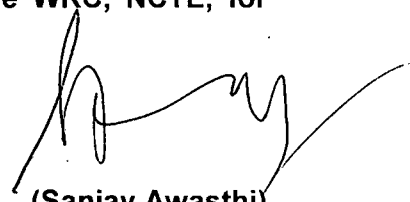
AND WHEREAS the Committee noted that the appellant at the time of application for shifting of premises on 02/04/2016 itself should have submitted all the land related and other documents to the Regional Committee for processing their application. In the instant case it is seen that the appellant has not furnished the documents relating to land conversion even after expiry of the extension of time

sought in January, 2018. In view of the position, refusal for shifting is justified and hence confirmed.

AND WHEREAS the Committee noted that the order appealed against covered two matters, namely, refusal for shifting of premises and withdrawal of recognition. The grounds adduced in the order relate to non-submission of documents required for processing the proposal for shifting of premises. In the circumstances, the Committee concluded that the W.R.C. may be directed to examine the matter relating to withdrawal of recognition separately/independently and after ascertaining whether the institution is functioning at the old premises or has shifted to the proposed premises, the proposal for which has been refused and issue appropriate orders as per the relevant provisions of the NCTE Act, 1993.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that the W.R.C. may be directed to examine the matter relating to withdrawal of recognition separately/independently and after ascertaining whether the institution is functioning at the old premises or has shifted to the proposed premises, the proposal for which has been refused and issue appropriate orders as per the relevant provisions of the NCTE Act, 1993.

NOW THEREFORE, the Council hereby remands back the case of Bhopal Degree College, 393, Ashok Vihar, Bhopal – 462023, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. **The Chairman, Bhopal Degree College, 393, Ashok Vihar, Bhopal – 462023, Madhya Pradesh.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-794/E-95626/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Dnyan Ganga Education Trust's, College of Education (B.Ed.), Kasar Vadavali Naka, Ghodbunder Road, Thane – 400615, Maharashtra dated 16.04.2018 and received on 15/11/2018 is against the Order No. WRC/APP201660193/B.A.B.Ed./B.Sc.B.Ed./289th/2018/196146 dated 07/03/2018 of the Western Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. course on the ground that CLU with latest premium receipt has not been submitted despite a Show Cause Notice dt. 17/01/2017 and a clarification mail dt. 28/03/2017.


AND WHEREAS Mrs. Anjana Rawat, Principal, Dnyan Ganga Education Trust's, College of Education (B.Ed.), Kasar Vadavali Naka, Ghodbunder Road, Thane – 400615, Maharashtra presented the case of the appellant institution on 30/01/2019. In the appeal and during personal presentation and in a letter dt. 28/01/2019 the appellant submitted that the college had submitted the CLU with latest premium receipt no. 2365470 dated 10/04/2017 for an amount Rs. 9732 through letter reference no. DGETS/2016/2017/1237 dated 20/04/2017. The appellant in their letter dt. 28/01/2019 submitted that the land on which the college is constructed is in the absolute ownership of their trust. In support of this claim, the appellant submitted copies of Deed of conveyance, copies of building plans approved by Thane Municipal Corporation and copies of commencement certificate and part occupation certificate issued by the same corporation.

AND WHEREAS in view of the above position, the Committee concluded that the matter deserved to be remanded to the WRC with a direction to take further action as

per the NCTE Regulations, 2014. The appellant is directed to forward to the WRC the documents submitted in the appeal within 15 days of the receipt of the orders on the appeal.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the matter deserved to be remanded to the WRC with a direction to take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the WRC the documents submitted in the appeal within 15 days of the receipt of the orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Dnyan Ganga Education Trust's, College of Education (B.Ed.), Kasar Vadavali Naka, Ghodbunder Road, Thane – 400615, Maharashtra to the WRC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Principal, Dnyan Ganga Education Trust's, College of Education (B.Ed.), Kasar Vadavali Naka, Ghodbunder Road, Thane – 400615, Maharashtra.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Maharashtra, Mumbai.



F.No.89-795/E-95601/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Kalindi College, Lalpur, Raipur – 492001, Chhattisgarh dated 08.11.2018 is against the Order No. WRC/APW05753/723129/C.G./296th/2018/199829 dated 05/09/2018 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. course on the grounds that the land is on private lease, which is not permitted as per NCTE Regulations, 2007. The land should be on ownership basis. The institution vide letter dated 10.10.2017 requested for more time to fulfil this requirement. The WRC in its 284th meeting permitted time upto 02.01.2018. The institution has failed to fulfil this requirement, vide letter dated 28.03.2018 and it has requested for continuation of recognition. In view of the above, WRC decided to withdraw recognition."

AND WHEREAS Dr. Sheela Sharma, President, Kalindi College, Lalpur, Raipur – 492001, Chhattisgarh presented the case of the appellant institution on 30/01/2019. In the appeal and during personal presentation the appellant submitted that the recognition was granted to the institution after due compliance of the NCTE Regulations, 2007, specially with regard to the land ownership matter. Subsequently revised recognition order was also issued in the favour of the institution. It is pertinent to mention here that land ownership related matters have not been changed even in Regulation of 2014 for the old institutions. It is further pertinent to mention here that ownership of land on private lease basis is allowed but same has been changed in subsequent Regulations of 2009 and 2014. The land related matters could not be changed retrospectively.

AND WHEREAS the Committee noted that under the provision of Clause 8 (7) of the NCTE Regulations, 2007 only lease of land from Government/Government Institutions was allowed. The appellant knowing this provision fully well, in their letter dt. 28/03/2018 addressed to the WRC requested for time for getting the title of the land property transferred in their name, which he could not accomplish.

AND WHEREAS in view of the above position, the Committee concluded that the WRC was justified in withdrawing recognition and therefore, the appeal deserved to be rejected and the order of the WRC confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the WRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the WRC is confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.



(Sanjay Awasthi)
Member Secretary

- 1. The Principal, Kalindi College, Lalpur, Raipur – 492001, Chhattisgarh.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Chhattisgarh, Raipur.



F.No.89-797/E-95874/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Shri Marudhar Kesri Balika Sanskrit Shikshak Prashikshan Vidyalaya, Lal Kothi Scheme, Tonk Road, Jaipur – 302015, Rajasthan dated 12.11.2018 is against the Letter No. Old App/RJ-----/2017/169098 dated 14/03/2017 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. course on the following grounds: -

- *"In cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014".*

AND WHEREAS the appellant filed a S.B. Civil Writs No. 23843 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 24/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Dulehram, O.S.D., Shri Marudhar Kesri Balika Sanskrit Shikshak Prashikshan Vidyalaya, Lal Kothi Scheme, Tonk Road, Jaipur – 302015, Rajasthan presented the case of the appellant institution on 31/01/2019. In the appeal and during personal presentation, it was submitted that *"The NRC erred in deciding the matter and did not make any effort to even look on the application in consonance of NCTE's Regulation under which the application was submitted offline. Further, it is also reiterated here that there was in submitting the application online and after directions of Hon'ble Court narrated above the application was submitted offline. If the institution were provided opportunity to move an application before the NRC as per the*

directions of Hon'ble Court given in another identical matters, it would have been done but due to the virtual impossibility, online submission was totally impossible. The appellant institution submitted his application along with in reference to other matter but the respondent committee not considered the matter as per reference. In the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E8922/2017 Appeal/ 15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T. T. College directed the NRC to process further the application on the ground that the Committee noted that the appellant could not have submitted the application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, Which is a virtual due to closure of NCTE portal."

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in their meeting held on 27/12/2018 that the Council, in their letter NO. F. 67/19/2018 – US (Legal) – HQ dt. 18/12/2018, addressed to all their Regional Committees, in the context of the various orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India referred to therein, directed ensuring compliance of the orders of the Hon'ble Courts and adherence to the provisions of the Regulations 5 (3), 7(4), 7 (5) and 7 (6) of the NCTE Regulations, 2014, irrespective of its stage of processing of application, course, year of application and State it pertains.

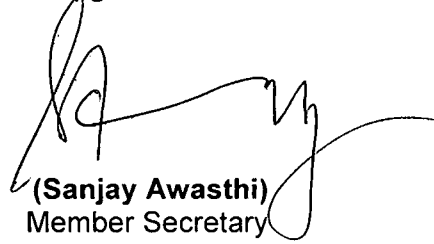
AND WHEREAS Appeal Committee also noted that while returning the application made by appellant institution, NCTE had also refunded the application fee. After return of application in original and refund of application fee by NCTE virtually no application had existed for several years. In the present scenario even if the applicant has now become eligible to apply afresh with necessary approvals from the affiliating body and the State Government, the already returned application cannot be revived in view of the direction of Supreme Court to decide all applications in conformity of NCTE Regulations, 2014. In many similar cases where applicants had filed Writ Petitions in the High Court of Judicature for Rajasthan, Bench at Jaipur, the direction given by the Hon'ble High Court to N.R.C. was to consider the applications of petitioners provided they apply afresh in accordance with the NCTE Regulations, 2014. Appeal Committee noted that in a few cases where appellants resubmitted their old returned

applications, the N.R.C. without ensuring that the applicant submits a fresh application as and when NCTE invites applications, had mistakenly considered such applications, conducted inspections and issued L.O.s. On reconsideration of the whole matter Appeal Committee has now decided that appellant is free to submit application afresh as and when NCTE invites application by issuing a public notification. Appeal Committee has also decided to make a deviation from its earlier decision where a few appeal matters were remanded back which subsequently resulted in technical and procedural difficulties in view of the general guidelines given by the Hon'ble Supreme Court of India.

AND WHEREAS in view of the above categorical decision of the Council and observations made above, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.


(Sanjay Awasthi)
Member Secretary

1. The Chairman, Shri Marudhar Kesri Balika Sanskrit Shikshak Prashikshan Vidyalaya, Lal Kothi Scheme, Tonk Road, Jaipur – 302015, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-798/E-95878/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Dr. Radhakrishan Teachers Training Institute, Kalwara, Suratpura, Sanganer, Jaipur – 302037, Rajasthan dated 11.11.2018 is against the Letter No. Old App/NRCAPP-8503/152/2017/1691173 dated 15/03/2017 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. course on the following grounds: -

- *"In cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014".*

AND WHEREAS the appellant filed a S.B. Civil Writs No. 24261 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 30/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Narayan Lal Jain, Director and Sh. Shivdyal Sharma, Representative, Dr. Radhakrishan Teachers Training Institute, Kalwara, Suratpura, Sanganer, Jaipur – 302037, Rajasthan presented the case of the appellant institution on 31/01/2019. In the appeal and during personal presentation, it was submitted that *"The controversy settled by the Appellate Authority, in the similar matter while disposing of the Appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE*

vide order no.89-488 E-9740/2017 Appeal 17th Meeting, 2017 dt. 27.11.2017 titled J.B.M. College of Education directed the NRC to process further the application on the ground that Appeal Committee noted that when the appellant applied in 2012 there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic years. Once applications are invited, the Regional Committee has not right to reject it on grounds on ban imposed subsequently by the State Government”.

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in their meeting held on 27/12/2018 that the Council, in their letter NO. F. 67/19/2018 – US (Legal) – HQ dt. 18/12/2018, addressed to all their Regional Committees, in the context of the various orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India referred to therein, directed ensuring compliance of the orders of the Hon'ble Courts and adherence to the provisions of the Regulations 5 (3), 7(4), 7 (5) and 7 (6) of the NCTE Regulations, 2014, irrespective of its stage of processing of application, course, year of application and State it pertains.

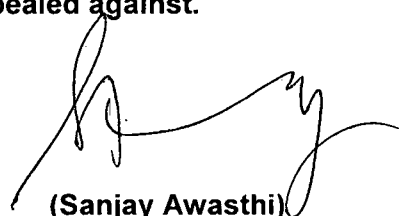
AND WHEREAS Appeal Committee also noted that while returning the application made by appellant institution, NCTE had also refunded the application fee. After return of application in original and refund of application fee by NCTE virtually no application had existed for several years. In the present scenario even if the applicant has now become eligible to apply afresh with necessary approvals from the affiliating body and the State Government, the already returned application cannot be revived in view of the direction of Supreme Court to decide all applications in conformity of NCTE Regulations, 2014. In many similar cases where applicants had filed Writ Petitions in the High Court of Judicature for Rajasthan, Bench at Jaipur, the direction given by the Hon'ble High Court to N.R.C. was to consider the applications of petitioners provided they apply afresh in accordance with the NCTE Regulations, 2014. Appeal

Committee noted that in a few cases where appellants resubmitted their old returned applications, the N.R.C. without ensuring that the applicant submits a fresh application as and when NCTE invites applications, had mistakenly considered such applications, conducted inspections and issued L.O.s. On reconsideration of the whole matter Appeal Committee has now decided that appellant is free to submit application afresh as and when NCTE invites application by issuing a public notification. Appeal Committee has also decided to make a deviation from its earlier decision where a few appeal matters were remanded back which subsequently resulted in technical and procedural difficulties in view of the general guidelines given by the Hon'ble Supreme Court of India.

AND WHEREAS in view of the above categorical decision of the Council and observations made above, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.


(Sanjay Awasthi)
Member Secretary

1. The Chairman, Dr. Radhakrishan Teachers Training Institute, Kalwara, Suratpura, Sanganer, Jaipur – 302037, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-800/E-95947/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of M.D. Teachers Training College, 17 RWD, Nohar, Thalarka – 335524, Rajasthan dated 08.11.2018 is against the letter No. New Appl./RF/Raj./NRCAPP-8944/2013-14/50825 dated 21/06/2013 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. course on the following grounds: -

- *"The NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:-*
 - *The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its*

recommendation within the time specified in the Regulations 7(3) of the Regulations.

- *The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government.*
- *In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."*

AND WHEREAS the appellant filed a S.B. Civil Writs No. 23634 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 23/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Ram Swaroop Swami, Secretary, M.D. Teachers Training College, 17 RWD, Nohar, Thalarka – 335524, Rajasthan presented the case of the appellant institution on 31/01/2019. In the appeal and during personal presentation, it was submitted *"The controversy settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the*

view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government."

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

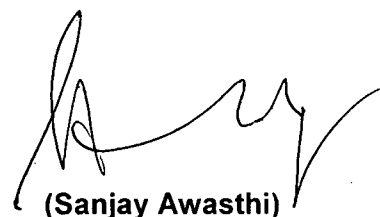
AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs.

AND WHEREAS Appeal Committee also noted that while returning the application made by appellant institution, NCTE had also refunded the application fee. After return of application in original and refund of application fee by NCTE virtually no application had existed for several years. In the present scenario even if the applicant has now become eligible to apply afresh with necessary approvals from the affiliating body and the State Government, the already returned application cannot be revived in view of the direction of Supreme Court to decide all applications in conformity of NCTE Regulations, 2014. In many similar cases where applicants had filed Writ Petitions in the High Court of Judicature for Rajasthan, Bench at Jaipur, the direction given by the Hon'ble High Court to N.R.C. was to consider the applications of petitioners provided they apply afresh in accordance with the NCTE Regulations, 2014. Appeal Committee noted that in a few cases where appellants resubmitted their old returned applications, the N.R.C. without ensuring that the applicant submits a fresh application as and when NCTE invites applications, had mistakenly considered such applications, conducted inspections and issued L.O.s. On reconsideration of the whole matter Appeal Committee has now decided that appellant is free to submit application afresh as and when NCTE invites application by issuing a public notification. Appeal Committee has also decided to make a deviation from its earlier decision where a few appeal matters were remanded back which subsequently resulted in technical and procedural difficulties in view of the general guidelines given by the Hon'ble Supreme Court of India

AND WHEREAS in view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, M.D. Teachers Training College, 17 RWD, Nohar, Thalarka – 335524, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-801/E-95976/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Ramsahay Shiksha Samiti, Kurgaon, Sapotra – 322255, Rajasthan dated 26.09.2018 is against the Order No. NCTE/NRC/NRCAPP201616079/Bachelor of Education (B.Ed.)/RJ/2017-2018/2 dated 27/04/2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that the institution has not submitted the reply of the SCN issued by the NRC within the stipulated time.

AND WHEREAS Sh. Manvendra, Secretary and Sh. Bankey Bihari Sharma, Vice Chairman, Ramsahay Shiksha Samiti, Kurgaon, Sapotra – 322255, Rajasthan presented the case of the appellant institution on 31/01/2019. In the appeal the appellant submitted that "there is no communication from NCTE NRC like call msg mail regarding SCN issue so reply period of 30 days has gone bcz institution have forget B.Ed. login ID password till they recover SCN time gone, site having issue also that time so can't open B.Ed. file page No."

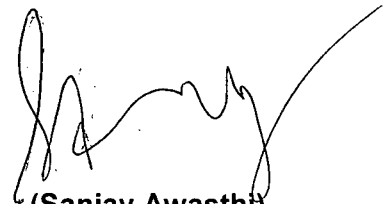
AND WHEREAS in the course of presentation, the appellant submitted a letter dt. 31.01.2019, in which he has given replies to the points mentioned in the Show Cause Notice. In addition, the appellant submitted that they have given a reply to the Show Cause Notice dt. 13/04/2017 on 28/04/2017 and also enclosed a copy of their letter dt. 28/04/2017 bearing the receipt stamp of the N.R.C. office dt. 28/04/2017.

AND WHEREAS the Committee noted that the reply of the appellant dt. 28/04/2017 to the Show Cause Notice is available in the file of the N.R.C. In this letter, the appellant submitted that they received the Show Cause Notice on 13/04/2017. The copy of the Show Cause Notice available in the file also shows that,

though it bears the date of 27/02/2017, it was sent to the appellant through e-mail on 13/04/2017 and appellant replied on 28/04/2017. In the circumstances, the stand taken by the N.R.C. in their refusal order that 'the institution has not submitted the reply of the SCN issued by N.R.C. within the stipulated time' is not factually correct as the appellant's reply was received on 28/04/2017 in response to the show cause notice sent to them on 13/04/2017.

AND WHEREAS however, the Committee noted that the submission of the appeal has been delayed by one year and three months beyond the prescribed period of sixty days. According to the proviso under Rule 10 of the NCTE Rules, 1997, an appeal may be admitted after the expiry of the said period of sixty days, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the period of limitation of sixty days. The appellant has not given any reason, whatsoever, for the delay in appeal. The Committee therefore concluded that the delay may not be condoned and hence the appeal is not admitted.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the delay may not be condoned and hence the appeal is not admitted.



(Sanjay Awasthi)
Member Secretary

1. **The Manager, Ramsahay Shiksha Samiti, Kurgaon, Sapotra – 322255, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-803/E-96031/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Chirayu K.C. Bajaj College of Education P.G. Department of Education, Near C.M.P.D.I. Road, Nagpur – 440014, Maharashtra dated 16.11.2018 is against the Order No. WRC/APW05997/125111/287th/2018/194749, 750, 751, 752, 753, 754 dated 02/02/2018 of the Western Regional Committee, refusing recognition for conducting M.Ed. course on the following grounds: -

- *"Show Cause Notice was issued to the institution on 15.11.2016. The institution has not replied so far. Hence, Recognition is withdrawn from the session 2018-19. FDRs if any, be returned."*

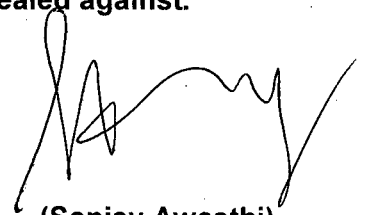
AND WHEREAS Sh. Dinesh, Administrator, Chirayu K.C. Bajaj College of Education P.G. Department of Education, Near C.M.P.D.I. Road, Nagpur – 440014, Maharashtra presented the case of the appellant institution on 31/01/2019. In the appeal and during personal presentation the appellant submitted that:-

- *"Initially an offline application against withdrawal of recognition of M.Ed. course was sent to NCTE New Delhi vide our college letter No. CKCBCE/1140 dated 16.04.2018. This application was within the time frame laid by NCTE. However our appeal was returned unactioned/unaccepted/returned by NCTE vide their letter No. 89-318/E-73320/2018/Appeal dated 26.09.2018. The reasons stated in the letter IBID an appeal application to be done online module in prescribed format which is mandatory as per Rules."*

AND WHEREAS Appeal Committee noted that a Show Cause Notice (SCN) dated 15/11/2016 was issued seeking from the appellant institution (i) staff profile approved by affiliating body (ii) originally notarized CLU/NEC/Building Plan and Building Completion Certificate. Requirement of above documents was as per terms and conditions of Revised recognition order dated 15/09/2015. Appeal Committee noted that appellant institution did not submit reply to S.C.N. and the list of faculty submitted by it does not have necessary approval of affiliating body except for 2 Associate Professors and 3 Assistant Professor approved by affiliating body on 28/01/2019. As per laid down Norms and Standards for M.Ed. course faculty required for an intake of one unit should include 2 Professors, 2 Associate Professors and 6 Assistant Professors. Appeal Committee further noted that appellant institution has also not submitted Building Completion Certificate issued by Competent Authority. Appeal Committee decided to confirm the impugned refusal order dated 02/02/2018.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the impugned refusal order dated 02/02/2018.

NOW THEREFORE, the Council hereby confirms the Order appealed against.



(Sanjay Awasthi)
Member Secretary

1. The President, Chirayu K.C. Bajaj College of Education P.G. Department of Education, Near C.M.P.D.I. Road, Nagpur – 440014, Maharashtra.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Maharashtra, Mumbai.



F.No.89-804/E-96105/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Starcity Teacher Training College, Bhutia Taranagar, Rajgarh RO, Taranagar – 331304, Rajasthan dated 12.11.2018 is against the letter No. New Appl./RF/Raj./NRCAPP-6443/2013-14/48092 dated 10/06/2013 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. course on the following grounds: -

- *"The NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:-*
 - *The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations.*

- *The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government.*
- *In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."*

AND WHEREAS the appellant filed a S.B. Civil Writs No. 23706 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 23/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Akhil Choudhary, Management Member, Starcity Teacher Training College, Bhutia Taranagar, Rajgarh RO, Taranagar – 331304, Rajasthan presented the case of the appellant institution on 31/01/2019. In the appeal and during personal presentation, it was submitted *"The controversy settled by the Appellate Authority to many colleges similar to our case. When we applied in 2012 there was no ban by the State Government and the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting application for teacher education course in particular State for the prospective academic years. Once applications are invited, the Regional Committee has no right to reject it on grounds on ban imposed subsequently by the State Government."*

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs.

AND WHEREAS Appeal Committee also noted that while returning the application made by appellant institution, NCTE had also refunded the application fee. After return of application in original and refund of application fee by NCTE virtually no application had existed for several years. In the present scenario even if the applicant has now become eligible to apply afresh with necessary approvals from the affiliating body and the State Government, the already returned application cannot be revived in view of the direction of Supreme Court to decide all applications in conformity of NCTE Regulations, 2014. In many similar cases where applicants had filed Writ Petitions in the High Court of Judicature for Rajasthan, Bench at Jaipur, the direction given by the Hon'ble High Court to N.R.C. was to consider the applications of petitioners provided they apply afresh in accordance with the NCTE Regulations, 2014. Appeal Committee noted that in a few cases where appellants resubmitted their old returned applications, the N.R.C. without ensuring that the applicant submits a fresh application as and when NCTE invites applications, had mistakenly considered such applications, conducted inspections and issued L.O.s. On reconsideration of the whole matter Appeal Committee has now decided that appellant is free to submit application afresh as and when NCTE invites application by issuing a public notification. Appeal Committee has also decided to make a deviation from its earlier decision where a few appeal matters were remanded back which subsequently resulted in technical and procedural difficulties in view of the general guidelines given by the Hon'ble Supreme Court of India.

AND WHEREAS in view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Starcity Teacher Training College, Bhutia Taranagar, Rajgarh RO, Taranagar – 331304, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-805/E-96047/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Saraswati Vidhya Mandir, Jaitpura, Chomu – 303704, Rajasthan dated 11.11.2018 is against the letter No. New Appl./RF/Raj./NRCAPP-8884/2013-14/62621-622 dated 15/10/2013 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. course on the following grounds: -

- *"In this regard it is to inform you the NRC, NCTE is in receipt of the letter from Additional Director (Education), Primary Education, Rajasthan intimating therein the decision taken by the State Govt. not to allow running of Pre-primary (Nursery) programmes in the State".*

AND WHEREAS the appellant filed a S.B. Civil Writs No. 24211 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 29/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Dr. Suresh Choudhary, Director, Saraswati Vidhya Mandir, Jaitpura, Chomu – 303704, Rajasthan presented the case of the appellant institution on 31/01/2019. In the appeal and during personal presentation, it was submitted *"The controversy settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of*

Education” directed the NRC to process further the application on the ground that “...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government.”

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. Appeal Committee noted that whereas copy of online application submitted by appellant indicated the applied for course as D.E.C.Ed., the appeal is with regard to D.El.Ed. programme. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined

to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

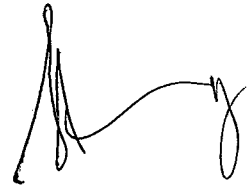
AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs.

AND WHEREAS Appeal Committee also noted that while returning the application made by appellant institution, NCTE had also refunded the application fee. After return of application in original and refund of application fee by NCTE virtually no application had existed for several years. In the present scenario even if the applicant has now become eligible to apply afresh with necessary approvals from the affiliating body and the State Government, the already returned application cannot be revived in view of the direction of Supreme Court to decide all applications in conformity of NCTE Regulations, 2014. In many similar cases where applicants had filed Writ Petitions in the High Court of Judicature for Rajasthan, Bench at Jaipur, the direction given by the Hon'ble High Court to N.R.C. was to consider the applications of petitioners provided they apply afresh in accordance with the NCTE Regulations, 2014. Appeal Committee noted that in a few cases where appellants resubmitted their old returned applications, the N.R.C. without ensuring that the applicant submits a fresh application as and when NCTE invites applications, had mistakenly considered such applications, conducted inspections and issued L.O.s. On reconsideration of the whole matter Appeal Committee has now decided that appellant is free to submit application afresh as and when NCTE invites application by issuing a public notification. Appeal Committee has also decided to make a deviation from its earlier decision where a few appeal matters were remanded back which subsequently resulted in technical and procedural difficulties in view of the general guidelines given by the Hon'ble Supreme Court of India.

AND WHEREAS in view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.



(Sanjay Awasthi)
Member Secretary

1. **The Secretary, Saraswati Vidhya Mandir, Jaitpura, Chomu – 303704, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-806/E-96045/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Ashutosh T.T. School, Mandha Bhim Singh, Phulera, Rnewal – 303604, Rajasthan dated 11.11.2018 is against the letter No. New Appl./RF/Raj./NRCAPP-9329/2013-14/59064 dated 17/09/2013 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. course on the following grounds: -

- *"The NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:-*
 - *The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations.*

- *The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government.*
- *In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."*

AND WHEREAS the appellant filed a S.B. Civil Writs No. 24812 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 03/11/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Hemraj Didal, Secretary, Ashutosh T.T. School, Mandha Bhim Singh, Phulera, Rnewal – 303604, Rajasthan presented the case of the appellant institution on 31/01/2019. In the appeal and during personal presentation, it was submitted *"The controversy settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher*

education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government."

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition

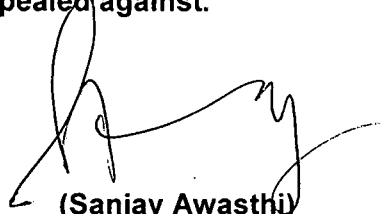
for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs.

AND WHEREAS Appeal Committee also noted that while returning the application made by appellant institution, NCTE had also refunded the application fee. After return of application in original and refund of application fee by NCTE virtually no application had existed for several years. In the present scenario even if the applicant has now become eligible to apply afresh with necessary approvals from the affiliating body and the State Government, the already returned application cannot be revived in view of the direction of Supreme Court to decide all applications in conformity of NCTE Regulations, 2014. In many similar cases where applicants had filed Writ Petitions in the High Court of Judicature for Rajasthan, Bench at Jaipur, the direction given by the Hon'ble High Court to N.R.C. was to consider the applications of petitioners provided they apply afresh in accordance with the NCTE Regulations, 2014. Appeal Committee noted that in a few cases where appellants resubmitted their old returned applications, the N.R.C. without ensuring that the applicant submits a fresh application as and when NCTE invites applications, had mistakenly considered such applications, conducted inspections and issued L.O.s. On reconsideration of the whole matter Appeal Committee has now decided that appellant is free to submit application afresh as and when NCTE invites application by issuing a public notification. Appeal Committee has also decided to make a deviation from its earlier decision where a few appeal matters were remanded back which subsequently resulted in technical and procedural difficulties in view of the general guidelines given by the Hon'ble Supreme Court of India.

AND WHEREAS in view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Ashutosh T.T. School, Mandha Bhim Singh, Phulera, Rnewal – 303604, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-808/E-96041/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Maruti Nandan Elementary (BSTC) T.T. College, Nangla Chandbari Road, Near Pushp Vatika Colony, Bharatpur – 321001, Rajasthan dated 14.11.2018 is against the Letter No. Old App/RJ-----/2017/169528 dated 23/03/2017 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. course on the following grounds: -

- *"In cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014".*

AND WHEREAS the appellant filed a S.B. Civil Writs No. 23861 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 24/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Paramveer Karna, Secretary, Maruti Nandan Elementary (BSTC) T.T. College, Nangla Chandbari Road, Near Pushp Vatika Colony, Bharatpur – 321001, Rajasthan presented the case of the appellant institution on 31/01/2019. In the appeal and during personal presentation, it was submitted that *"The NRC erred in deciding the matter and did not make any effort to even look on the application in consonance of NCTE's Regulation under which the application was submitted offline. Further, it is also reiterated here that there was in submitting the application online and after directions of Hon'ble Court narrated above the application was submitted offline.*

If the institution were provided opportunity to move an application before the NRC as per the directions of Hon'ble Court given in another identical matters, it would have been done but due to the virtual impossibility, online submission was totally impossible. The appellant institution submitted his application along with in reference to other matter but the respondent committee not considered the matter as per reference. In the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E8922/2017 Appeal/ 15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T. T. College directed the NRC to process further the application on the ground that the Committee noted that the appellant could not have submitted the application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, Which is a virtual due to closure of NCTE portal."

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in their meeting held on 27/12/2018 that the Council, in their letter NO. F. 67/19/2018 – US (Legal) – HQ dt. 18/12/2018, addressed to all their Regional Committees, in the context of the various orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India referred to therein, directed ensuring compliance of the orders of the Hon'ble Courts and adherence to the provisions of the Regulations 5 (3), 7(4), 7 (5) and 7 (6) of the NCTE Regulations, 2014, irrespective of its stage of processing of application, course, year of application and State it pertains.


AND WHEREAS Appeal Committee also noted that while returning the application made by appellant institution, NCTE had also refunded the application fee. After return of application in original and refund of application fee by NCTE virtually no application had existed for several years. In the present scenario even if the applicant has now become eligible to apply afresh with necessary approvals from the affiliating body and the State Government, the already returned application cannot be revived in view of the direction of Supreme Court to decide all applications in conformity of NCTE Regulations, 2014. In many similar cases where applicants had filed Writ Petitions in the High Court of Judicature for Rajasthan, Bench at Jaipur, the direction given by the Hon'ble High Court to N.R.C. was to consider the applications of petitioners provided

they apply afresh in accordance with the NCTE Regulations, 2014. Appeal Committee noted that in a few cases where appellants resubmitted their old returned applications, the N.R.C. without ensuring that the applicant submits a fresh application as and when NCTE invites applications, had mistakenly considered such applications, conducted inspections and issued L.O.s. On reconsideration of the whole matter Appeal Committee has now decided that appellant is free to submit application afresh as and when NCTE invites application by issuing a public notification. Appeal Committee has also decided to make a deviation from its earlier decision where a few appeal matters were remanded back which subsequently resulted in technical and procedural difficulties in view of the general guidelines given by the Hon'ble Supreme Court of India.

AND WHEREAS in view of the above categorical decision of the Council and observations made above, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Maruti Nandan Elementary (BSTC) T.T. College, Nangla Chandbari Road, Near Pushp Vatika Colony, Bharatpur – 321001, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-809/E-96738/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of B.R. Choudhary T.T. College, 19 J.R.K., Pakka Bhadwan Stone No. 33/244, Hanumangarh, Goluwala – 335802, Rajasthan dated 24.11.2018 is against the letter No. Appl./RF/Raj./NRCAPP-4870/2013-14/48000 dated 10/06/2013 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. course on the following grounds: -

- *"The NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:-*
 - *The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations.*

- *The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government.*
- *In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."*

AND WHEREAS the appellant filed a S.B. Civil Writs No. 24813 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 03/11/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Vikas Bansal, Director and Dr. Raj Pal, Principal, B.R. Choudhary T.T. College, 19 J.R.K., Pakka Bhadwan Stone No. 33/244, Hanumangarh, Goluwala – 335802, Rajasthan presented the case of the appellant institution on 31/01/2019. In the appeal and during personal presentation, it was submitted *"The controversy settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE*

only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government.”

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative

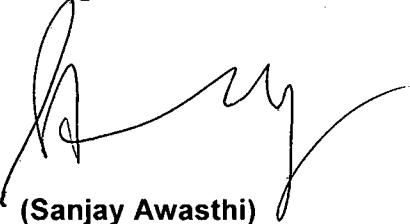
recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs.

AND WHEREAS Appeal Committee also noted that while returning the application made by appellant institution, NCTE had also refunded the application fee. After return of application in original and refund of application fee by NCTE virtually no application had existed for several years. In the present scenario even if the applicant has now become eligible to apply afresh with necessary approvals from the affiliating body and the State Government, the already returned application cannot be revived in view of the direction of Supreme Court to decide all applications in conformity of NCTE Regulations, 2014. In many similar cases where applicants had filed Writ Petitions in the High Court of Judicature for Rajasthan, Bench at Jaipur, the direction given by the Hon'ble High Court to N.R.C. was to consider the applications of petitioners provided they apply afresh in accordance with the NCTE Regulations, 2014. Appeal Committee noted that in a few cases where appellants resubmitted their old returned applications, the N.R.C. without ensuring that the applicant submits a fresh application as and when NCTE invites applications, had mistakenly considered such applications, conducted inspections and issued L.O.s. On reconsideration of the whole matter Appeal Committee has now decided that appellant is free to submit application afresh as and when NCTE invites application by issuing a public notification. Appeal Committee has also decided to make a deviation from its earlier decision where a few appeal matters were remanded back which subsequently resulted in technical and procedural difficulties in view of the general guidelines given by the Hon'ble Supreme Court of India.

AND WHEREAS in view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, B.R. Choudhary T.T. College, 19 J.R.K., Pakka Bhadwan Stone No. 33/244, Hanumangarh, Goluwala – 335802, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-810/E-96687/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Indian Teacher Training School, Binasar, Ratangarh, Churu – 331001, Rajasthan dated 12.11.2018 is against the letter No. New Appl./RF/Raj./NRCAPP-6598/2013-14/51378 dated 25/06/2013 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. course on the following grounds: -

- *"The NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:-*
 - *The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations.*

- *The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government.*
- *In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."*

AND WHEREAS the appellant filed a S.B. Civil Writs No. 23709 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 23/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Rajveer Singh, Secretary, Indian Teacher Training School, Binasar, Ratangarh, Churu – 331001, Rajasthan presented the case of the appellant institution on 31/01/2019. In the appeal and during personal presentation, it was submitted that *"The NCTE has already granted recognition to several institutions for D.El.Ed. Course in similar cases. When we applied in 2012 there was no ban by the State Government and the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting application for teacher education course in particular State for the prospective academic years. Once applications are invited, the Regional Committee has no right to reject it on grounds on ban imposed subsequently by the State Government"*.

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

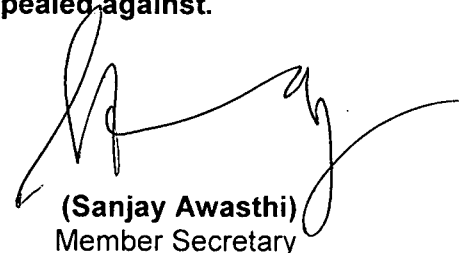
AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs.

AND WHEREAS Appeal Committee also noted that while returning the application made by appellant institution, NCTE had also refunded the application fee. After return of application in original and refund of application fee by NCTE virtually no application had existed for several years. In the present scenario even if the applicant has now become eligible to apply afresh with necessary approvals from the affiliating body and the State Government, the already returned application cannot be revived in view of the direction of Supreme Court to decide all applications in conformity of NCTE Regulations, 2014. In many similar cases where applicants had filed Writ Petitions in the High Court of Judicature for Rajasthan, Bench at Jaipur, the direction given by the Hon'ble High Court to N.R.C. was to consider the applications of petitioners provided they apply afresh in accordance with the NCTE Regulations, 2014. Appeal Committee noted that in a few cases where appellants resubmitted their old returned applications, the N.R.C. without ensuring that the applicant submits a fresh application as and when NCTE invites applications, had mistakenly considered such applications, conducted inspections and issued L.O.s. On reconsideration of the whole matter Appeal Committee has now decided that appellant is free to submit application afresh as and when NCTE invites application by issuing a public notification. Appeal Committee has also decided to make a deviation from its earlier decision where a few appeal matters were remanded back which subsequently resulted in technical and procedural difficulties in view of the general guidelines given by the Hon'ble Supreme Court of India.

AND WHEREAS In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Indian Teacher Training School, Binasar, Ratangarh, Churu – 331001, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-811/E-96219/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Rajdhani T.T. College, Palasana Road, Khandela – 332709, Rajasthan dated 10.11.2018 is against the Order No. NRC/NCTE/NRCAPP-201616578/Recognition/269th Meeting (Part-10)/2017 dated 02/05/2017 of the Northern Regional Committee, granting recognition for conducting B.Ed. course with an intake of one unit (50 seats).

AND WHEREAS Sh. Mahendar, Secretary, Rajdhani T.T. College, Palasana Road, Khandela – 332709, Rajasthan presented the case of the appellant institution on 31/01/2019. In the appeal and during personal presentation the appellant submitted that "Action of the respondents is contrary to article 14 and 21 of the constitution of India, and shall hamper the sustainability of institution further the NRC-NCTE without any justified reason has approved some institutions 2 unit ignoring the aspect that they have less built up area in comparison to petitioner, whereas in the case of petitioner only 1 unit annual intake was approved without any justified reason. The visiting team had recommended 2 units. However, Northern Regional Committee, NCTE, Jaipur in its meeting without assigning any reason or pointed out any deficiency has granted approval only for 50 seats for B.Ed. Course. Petitioner is having all infrastructure and facility and no reason was assigned for not approving two units, consequently the petitioner submitted a representation in compliance of Letter of Intent alongwith documents and requesting for grant approval for two units but the same was not considered. Respondent did not grant any opportunity of hearing to the petitioner before passing order for granting approval with lesser number of seats and while passing the order, recommendation made by the visiting team has not been considered."

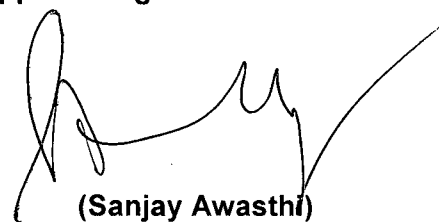
AND WHEREAS Appeal Committee noted that appellant institution submitted online application dated 30/06/2016 seeking recognition for conducting B.Ed. course and the applied for intake was mentioned as one unit (50 seats). The appellant institution was inspected by a Visiting Team on 25/04/2017 to assess the preparedness of appellant institution for conducting B.Ed. course with proposed intake of 50 seats.

AND WHEREAS Appeal Committee noted that recognition order dated 02/05/2017 was issued by N.R.C. considering a compliance letter dated 01/05/2017 of appellant institution which was received in the office of N.R.C. on 02/05/2017 (Diary No. 168425 dated 02/05/2017). Appeal Committee noted that L.O.I. dated 29/04/2017 was for granting 1 unit (50 seats).

AND WHEREAS Appeal Committee therefore, does not find any merit in the submission made by appellant for grant of recognition for two units of B.Ed. course.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that there is no merit in the submission made by appellant for grant of recognition for two units of B.Ed. course.

NOW THEREFORE, the Council hereby confirms the Order appealed against.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Rajdhani T.T. College, Palasana Road, Khandela – 332709, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-812/E-96220/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Sanskar Shikshak Prashikshan Mahavidhyalaya, Sehi Kalan, Sehi Kalan Road, Chirawa – 333026, Rajasthan dated 13.11.2018 is against the Letter No. 7-15/NRC/NCTE/Returning of Application/S.No.-22/Raj./2009/70573 dated 07/03/2009 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. course on the following grounds: -

- *"In cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014".*

AND WHEREAS the appellant filed a S.B. Civil Writs No. 24464 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 31/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Virendra, Secretary and Sh. Rajveer Singh, Representative, Sanskar Shikshak Prashikshan Mahavidhyalaya, Sehi Kalan, Sehi Kalan Road, Chirawa – 333026, Rajasthan presented the case of the appellant institution on 31/01/2019. In the appeal and during personal presentation, it was submitted that *"The NRC erred in deciding the matter and did not make any effort to even look on the application in consonance of NCTE's Regulation under which the application was submitted offline. Further, it is also reiterated here that there was in submitting the application online and after directions of Hon'ble Court narrated above the application was submitted offline. If*

the institution were provided opportunity to move an application before the NRC as per the directions of Hon'ble Court given in another identical matters, it would have been done but due to the virtual impossibility, online submission was totally impossible. The appellant institution submitted his application along with in reference to other matter but the respondent committee not considered the matter as per reference. In the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E8922/2017 Appeal/ 15th Meeting-2017 dt. 16.10.2017 titled "St. Meera T. T. College directed the NRC to process further the application on the ground that the Committee noted that the appellant could not have submitted the application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, Which is a virtual due to closure of NCTE portal."

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in their meeting held on 27/12/2018 that the Council, in their letter NO. F. 67/19/2018 – US (Legal) – HQ dt. 18/12/2018, addressed to all their Regional Committees, in the context of the various orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India referred to therein, directed ensuring compliance of the orders of the Hon'ble Courts and adherence to the provisions of the Regulations 5 (3), 7(4), 7 (5) and 7 (6) of the NCTE Regulations, 2014, irrespective of its stage of processing of application, course, year of application and State it pertains.

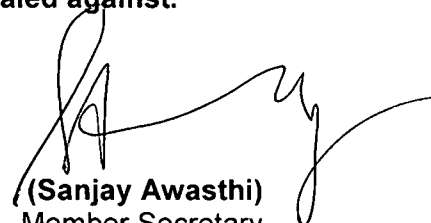
AND WHEREAS Appeal Committee also noted that while returning the application made by appellant institution, NCTE had also refunded the application fee. After return of application in original and refund of application fee by NCTE virtually no application had existed for several years. In the present scenario even if the applicant has now become eligible to apply afresh with necessary approvals from the affiliating body and the State Government, the already returned application cannot be revived in view of the direction of Supreme Court to decide all applications in conformity of NCTE Regulations, 2014. In many similar cases where applicants had filed Writ Petitions in the High Court of Judicature for Rajasthan, Bench at Jaipur, the direction given by the Hon'ble High Court to N.R.C. was to consider the applications of petitioners provided

they apply afresh in accordance with the NCTE Regulations, 2014. Appeal Committee noted that in a few cases where appellants resubmitted their old returned applications, the N.R.C. without ensuring that the applicant submits a fresh application as and when NCTE invites applications, had mistakenly considered such applications, conducted inspections and issued L.O.s. On reconsideration of the whole matter Appeal Committee has now decided that appellant is free to submit application afresh as and when NCTE invites application by issuing a public notification. Appeal Committee has also decided to make a deviation from its earlier decision where a few appeal matters were remanded back which subsequently resulted in technical and procedural difficulties in view of the general guidelines given by the Hon'ble Supreme Court of India.

AND WHEREAS in view of the above categorical decision of the Council and observation made above, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, Sanskar Shikshak Prashikshan Mahavidhyalaya, Sehi Kalan, Sehi Kalan Road, Chirawa – 333026, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-813/E-96312/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of H.I.C.T. Shiksha Mahavidyalaya, Adupura, Dabra Road, Morar – 475001, Madhya Pradesh dated 16.11.2018 is against the Order No. WRC/APW01574/223256/B.Ed./297th/2018/200279 dated 25/09/2018 of the Western Regional Committee, refusing recognition for conducting B.Ed. course on the following grounds: -

- *"In response to the show cause notice dated 30 08 2016 the institution has submitted a staff list of its faculty members approved by the competent authority but not in original Further the subject at the PG Level has not been mentioned. Secondly the institution has still not submitted the additional FDRs for Rs 4 Lacs."*

AND WHEREAS Dr. Mohan Lal Manav, Secretary, H.I.C.T. Shiksha Mahavidyalaya, Adupura, Dabra Road, Morar – 475001, Madhya Pradesh presented the case of the appellant institution on 31/01/2019. In the appeal and during personal presentation the appellant submitted that in pursuance to the revised order No F No WRCAPW01574/223256 2015/44252 dated 31.05.2015 the institution along with its letter reply dated 28.10.2015 submitted a list of faculty approved by the competent authority in original. In pursuance to the show cause notice dated 30.08.2016 the appellant institution along with its letter reply dated 16.09.2016 furnished list of faculty approved by the competent authority in prescribed proforma. In pursuance to the clarification letter No WRCAPW01574/223256 284th 2017/193485 dated 01.12.2017, the appellant institution vide its letter reply dated 20.12.2017 furnished a copy of the list of faculty mentioning the details of PG subjects approved by the Principal and it was submitted that original list of faculty approved by the competent authorities in original in

prescribed proforma was already submitted As such the list containing PG details approved by the Principal has been furnished. The institution has already submitted (i) list of faculty approved by the competent authority (ii) list of faculty approved by competent authority in prescribed proforma (iii) A copy of the list of faculty containing the details of PG subjects approved by the Principal The institution requested the competent authority I e Registrar Jiwaji University Gwalior to approve the list of faculty containing details of PG subject also as per the norms of the NCTE and considering such request now on 22.10.2018 the competent authority i.e. Registrar has further approved the list of faculty.

AND WHEREAS Appeal Committee noted that impugned withdrawal order dated 25/09/2018 is on the ground that (i) appellant institution has not submitted staff list approved by Registrar and (ii) FDRs for Rs. 4 lakh. Appeal Committee further noted that appellant institution was recognized for conducting B.Ed. course in 2005 and revised recognition order was issued on 31/05/2015.

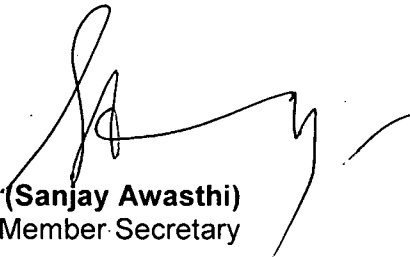
AND WHEREAS appellant during the course of appeal hearing on 31/01/2009 submitted before the Committee (i) a list containing the names of one Principal and 15 faculty members approved by Registrar, Jiwaji University, Gwalior and (ii) three F.D.Rs of Rs. 4 lakh each dated 09/10/2015 and dated 22/09/2015. The F.D.Rs are found to be held in the single name of Purvi Mahila and Bal Vikas Kalyan Samiti. Appellant is required to convert the F.D.Rs to be held in joint name with Regional Director, W.R.C.

AND WHEREAS Appeal Committee decided that appellant institution be required to submit the approved faculty list and F.D.Rs. (duly converted to be held in joint name) to W.R.C. within 15 days of the issue of appeal order. On receipt of the approved list of faculty and F.D.Rs, W.R.C. is required to revisit the case for taking an appropriate decision.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee

concluded that appellant institution be required to submit the approved faculty list and F.D.Rs. (duly converted to be held in joint name) to W.R.C. within 15 days of the issue of appeal order. On receipt of the approved list of faculty and F.D.Rs, W.R.C. is required to revisit the case for taking an appropriate decision.

NOW THEREFORE, the Council hereby remands back the case of H.I.C.T. Shiksha Mahavidyalaya, Adupura, Dabra Road, Morar – 475001, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.


(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, H.I.C.T. Shiksha Mahavidyalaya, Adupura, Dabra Road, Morar – 475001, Madhya Pradesh.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-814/E-96320/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Galaxy College of Education, Near H.P.O. Shrimadhopur – 332715, Rajasthan dated 16.11.2018 is against the letter No. New Appl./RF./Raj./NRCAPP-6333/2013-14/47378 dated 07/06/2013 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. course on the following grounds: -

- *"The NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:-*
 - *The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations.*

- *The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government.*
- *In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."*

AND WHEREAS the appellant filed a S.B. Civil Writs No. 4096 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 11/02/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Ram Chandra Singh, Director, Galaxy College of Education, Near H.P.O. Shrimadhapur – 332715, Rajasthan presented the case of the appellant institution on 31/01/2019. In the appeal and during personal presentation, it was submitted *"The controversy settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher*

education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government.”

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. Appeal Committee noted that appellant has delayed the preferring of appeal for 9 months after getting order dated 11/02/2018 of Hon'ble High Court of Judicature for Rajasthan. No reason for this delay was given by appellant. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs.

AND WHEREAS Appeal Committee also noted that while returning the application made by appellant institution, NCTE had also refunded the application fee. After return of application in original and refund of application fee by NCTE virtually no application had existed for several years. In the present scenario even if the applicant has now become eligible to apply afresh with necessary approvals from the affiliating body and the State Government, the already returned application cannot be revived in view of the direction of Supreme Court to decide all applications in conformity of NCTE Regulations, 2014. In many similar cases where applicants had filed Writ Petitions in the High Court of Judicature for Rajasthan, Bench at Jaipur, the direction given by the Hon'ble High Court to N.R.C. was to consider the applications of petitioners provided they apply afresh in accordance with the NCTE Regulations, 2014. Appeal Committee noted that in a few cases where appellants resubmitted their old returned applications, the N.R.C. without ensuring that the applicant submits a fresh application as and when NCTE invites applications, had mistakenly considered such applications, conducted inspections and issued L.O.s. On reconsideration of the whole matter Appeal Committee has now decided that appellant is free to submit application afresh as and when NCTE invites application by issuing a public notification. Appeal Committee has also decided to make a deviation from its earlier decision where a few appeal matters were remanded back which subsequently resulted in technical and procedural difficulties in view of the general guidelines given by the Hon'ble Supreme Court of India.

AND WHEREAS in view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Galaxy College of Education, Near H.P.O. Shrimadhopur – 332715, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-815/E-96221/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Shiv Govind Mahavidyalay, Ghisua Khas, Machhalishar Shahar, Dist. Jaunpur – 222131, Uttar Pradesh dated 12.09.2018 is against the Order No. NRC/NCTE/NRCAPP-4716/231st Meeting/ dated 09/03/2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the following grounds: -

"The institution was given Show Cause Notice. The institution did not given reply of SCN."

AND WHEREAS Sh. Sandeep Yadav, Member, Shiv Govind Mahavidyalay, Ghisua Khas, Machhalishar Shahar, Dist. Jaunpur – 222131, Uttar Pradesh presented the case of the appellant institution on 31/01/2019. In the appeal and during personal presentation the appellant submitted that "NRC, NCTE has issued refusal order on 09.03.2017 stating that we have not submitted the reply of SCN dated 03.09.2015, but in fact we did not receive any SCN from NRC NCTE. After refusal order dated 09.03.2017, we approached the High Court, Allahabad. On 09.01.2018 Hon'ble High Court directed to approach Appeal Authority of NCTE. Sir, suffering from Anemia DNII since January, 2018. I was not able to the file appeal. Now, after getting good health in September, 2018. I filed online appeal on 12.09.2018."

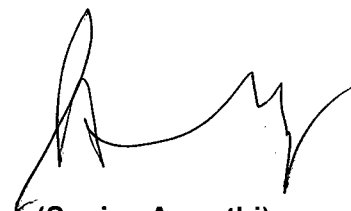
AND WHEREAS Appeal Committee noted that a Letter of Intent (L.O.I.) dated 26.03.2015 was issued to appellant institution seeking compliance within a period of two months. Appeal Committee noted that neither the appellant institution submitted compliance nor did seek extension of time to submit compliance. A Show Cause Notice (SCN) dated 23/09/2018 was issued seeking written representation from appellant institution within 30 days. Appellant did not submit reply to S.C.N. dated 23/09/2015. Issue of impugned refusal order dated 09/03/2017 after a lapse of about

1 year and 6 months, therefore, should not have been questioned by appellant as it failed to submit compliance even at a later stage.

AND WHEREAS impugned refusal order dated 09/03/2017 allowed appellant 60 days time to make an appeal in case it was not satisfied with the grounds of refusal order. Appellant did not prefer timely appeal and sought intervention from the Court of Law. Hon'ble High Court of Judicature for Allahabad by its order dated 04/01/2018 allowed the appellant to avail alternative remedy of appeal. Appeal Committee noted that appellant even did not prefer appeal within 60 days after the Hon'ble Court had dismissed his petition on ground of alternative remedy as informed in the impugned order itself.

AND WHEREAS appellant stated that due to ill health, he could not file appeal and after regaining health has filed appeal in September, 2018. Considering that L.O.I. was issued in March, 2015 which was required to be complied within 60 days, and time limit prescribed in the S.C.N. , impugned refusal order etc. having not been adhered to by the appellant, Appeal Committee does not find any justification in the reason for delay as mentioned by the appellant. Delay is not condoned and appeal not admitted, therefore.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee does not find any justification in the reason for delay as mentioned by the appellant. Hence the appeal is not admitted.



(Sanjay Awasthi)
Member Secretary

1. The Manager, Shiv Govind Mahavidyalay, Ghisua Khas, Machhalishar Shahar, Dist. Jaunpur – 222131, Uttar Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.



F.No.89-817/E-96525/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Shri Charan Singh Teacher Training Institute, Ranoli, Danta Ramgarh – 332403, Rajasthan dated 20.11.2018 is against the Letter No. 7-15/NRC/NCTE/Returning of Application/S.No.-613/Raj./2009/70878 dated 09/03/2009 of the Northern Regional Committee, thereby returning its application for conducting B.Ed. course on the following grounds: -

- *"The NCTE Hqrs. has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed. / STC / Shiksha Shastri course to any institution in the state of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned".*

AND WHEREAS the appellant filed a S.B. Civil Writs No. 23867 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 24/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Tarachand, Secretary, Shri Charan Singh Teacher Training Institute, Ranoli, Danta Ramgarh – 332403, Rajasthan presented the case of the appellant institution on 31/01/2019. In the appeal and during personal presentation, it was submitted that *"The controversy settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide Order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in*

2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government."

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. The Committee noted that the submission of the appeal has been delayed by almost nine years beyond the period of sixty days prescribed under the Appeal Rules. The Committee noted that according to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under Section 14, Section 15 or Section 17 of the NCTE Act, 1993 may prefer an appeal to the Council within sixty days of issue of such orders. According to the Proviso to Rule 10, an appeal may be admitted after the expiry of the said period of sixty days, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the period of limitation of sixty days.

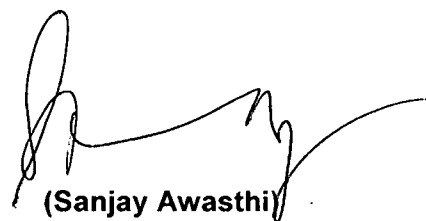
AND WHEREAS the Committee noted that the impugned letter of the NRC returning the application of the appellant was issued in the year 2009 and it is not an Order issued under any one of the Sections of the NCTE Act, 1993 mentioned in para 4 above. Notwithstanding this position, the appellant inordinately delayed making the appeal. The appellant has not given any reason whatsoever for the inordinate delay. The Committee further noted that, a plain reading of the appeal reveals that, all the submissions made therein have no relevance to the contents of the letter of N.R.C's.

AND WHEREAS Appeal Committee also noted that while returning the application made by appellant institution, NCTE had also refunded the application fee. After return of application in original and refund of application fee by NCTE virtually no application had existed for several years. In the present scenario even if the applicant has now become eligible to apply afresh with necessary approvals from the affiliating body and the State Government, the already returned application cannot be revived in view of the direction of Supreme Court to decide all applications in conformity of NCTE

Regulations, 2014. In many similar cases where applicants had filed Writ Petitions in the High Court of Judicature for Rajasthan, Bench at Jaipur, the direction given by the Hon'ble High Court to N.R.C. was to consider the applications of petitioners provided they apply afresh in accordance with the NCTE Regulations, 2014. Appeal Committee noted that in a few cases where appellants resubmitted their old returned applications, the N.R.C. without ensuring that the applicant submits a fresh application as and when NCTE invites applications, had mistakenly considered such applications, conducted inspections and issued L.O.s. On reconsideration of the whole matter Appeal Committee has now decided that appellant is free to submit application afresh as and when NCTE invites application by issuing a public notification. Appeal Committee has also decided to make a deviation from its earlier decision where a few appeal matters were remanded back which subsequently resulted in technical and procedural difficulties in view of the general guidelines given by the Hon'ble Supreme Court of India.

AND WHEREAS the Committee, in view of the position stated in above paras, decided not to condone the delay in submission of the appeal. Hence the appeal is not admitted.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded not to condone the delay in submission of the appeal. Hence the appeal is not admitted.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Shri Charan Singh Teacher Training Institute, Ranoli, Danta Ramgarh – 332403, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-818/E-96567/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Yash B.S.T.C. School, Ranoli Jat Colony, Dantaramgarh – 332403, Rajasthan dated 20.11.2018 is against the letter No. New Appl./RF/Raj./NRCAPP-8694/2013-14/50561 dated 21/06/2013 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. course on the following grounds: -

- *"The NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:-*
 - *The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations.*

- *The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government.*
- *In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."*

AND WHEREAS the appellant filed a S.B. Civil Writs No. 25334 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 15/11/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Bhag Chand Sharma, Member, Yash B.S.T.C. School, Ranoli Jat Colony, Dantaramgarh – 332403, Rajasthan presented the case of the appellant institution on 31/01/2019. In the appeal and during personal presentation, it was submitted *"The controversy settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher*

education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government."

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition

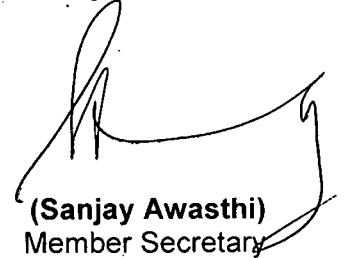
for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs.

AND WHEREAS Appeal Committee also noted that while returning the application made by appellant institution, NCTE had also refunded the application fee. After return of application in original and refund of application fee by NCTE virtually no application had existed for several years. In the present scenario even if the applicant has now become eligible to apply afresh with necessary approvals from the affiliating body and the State Government, the already returned application cannot be revived in view of the direction of Supreme Court to decide all applications in conformity of NCTE Regulations, 2014. In many similar cases where applicants had filed Writ Petitions in the High Court of Judicature for Rajasthan, Bench at Jaipur, the direction given by the Hon'ble High Court to N.R.C. was to consider the applications of petitioners provided they apply afresh in accordance with the NCTE Regulations, 2014. Appeal Committee noted that in a few cases where appellants resubmitted their old returned applications, the N.R.C. without ensuring that the applicant submits a fresh application as and when NCTE invites applications, had mistakenly considered such applications, conducted inspections and issued L.O.s. On reconsideration of the whole matter Appeal Committee has now decided that appellant is free to submit application afresh as and when NCTE invites application by issuing a public notification. Appeal Committee has also decided to make a deviation from its earlier decision where a few appeal matters were remanded back which subsequently resulted in technical and procedural difficulties in view of the general guidelines given by the Hon'ble Supreme Court of India.

AND WHEREAS in view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Yash B.S.T.C. School, Ranoli Jat Colony, Dantaramgarh – 332403, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-819/E-96565/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Choudhary Charan Singh T.T. College, Shri Ramnagar Colony, NH-11, Ranoli, Danta Ramgarh – 332403, Rajasthan dated 20.11.2018 is against the Order No. 7-15/NRC/NCTE/Returning of Application/Sr. No. – 124/Raj/2009/70932 dated 09/03/2009 of the Northern Regional Committee, thereby returning its application for conducting B.Ed. course on the following grounds: -

- *“The NCTE Hqrs. has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed. / STC / Shiksha Shastri course to any institution in the state of Rajasthan for the academic session 2009-10 and to return all the applications along with processing fee and documents to the institution concerned”.*

AND WHEREAS the appellant filed a S.B. Civil Writs No. 23862 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 24/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Amit Jakhar, Member, Choudhary Charan Singh T.T. College, Shri Ramnagar Colony, NH-11, Ranoli, Danta Ramgarh – 332403, Rajasthan presented the case of the appellant institution on 31/01/2019. In the appeal and during personal presentation, it was submitted that *“The controversy settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide Order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled “J.B.M. College of Education” directed the NRC to*

process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s), applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government."

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. The Committee noted that the submission of the appeal has been delayed by almost nine years beyond the period of sixty days prescribed under the Appeal Rules. The Committee noted that according to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under Section 14, Section 15 or Section 17 of the NCTE Act, 1993 may prefer an appeal to the Council within sixty days of issue of such orders. According to the Proviso to Rule 10, an appeal may be admitted after the expiry of the said period of sixty days, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the period of limitation of sixty days.

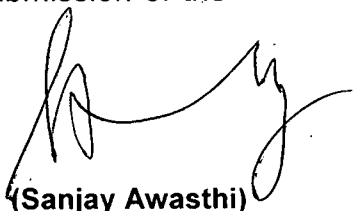
AND WHEREAS the Committee noted that the impugned letter of the NRC returning the application of the appellant was issued in the year 2009 and it is not an Order issued under any one of the Sections of the NCTE Act, 1993 mentioned in para 4 above. Notwithstanding this position, the appellant inordinately delayed making the appeal. The appellant has not given any reason whatsoever for the inordinate delay. The Committee further noted that, a plain reading of the appeal reveals that, all the submissions made therein have no relevance to the contents of the letter of N.R.C's.

AND WHEREAS Appeal Committee also noted that while returning the application made by appellant institution, NCTE had also refunded the application fee. After return of application in original and refund of application fee by NCTE virtually no application had existed for several years. In the present scenario even if the applicant has now become eligible to apply afresh with necessary approvals from the affiliating body and the State Government, the already returned application cannot be revived in

view of the direction of Supreme Court to decide all applications in conformity of NCTE Regulations, 2014. In many similar cases where applicants had filed Writ Petitions in the High Court of Judicature for Rajasthan, Bench at Jaipur, the direction given by the Hon'ble High Court to N.R.C. was to consider the applications of petitioners provided they apply afresh in accordance with the NCTE Regulations, 2014. Appeal Committee noted that in a few cases where appellants resubmitted their old returned applications, the N.R.C. without ensuring that the applicant submits a fresh application as and when NCTE invites applications, had mistakenly considered such applications, conducted inspections and issued L.O.s. On reconsideration of the whole matter Appeal Committee has now decided that appellant is free to submit application afresh as and when NCTE invites application by issuing a public notification. Appeal Committee has also decided to make a deviation from its earlier decision where a few appeal matters were remanded back which subsequently resulted in technical and procedural difficulties in view of the general guidelines given by the Hon'ble Supreme Court of India.

AND WHEREAS the Committee, in view of the position stated in above paras, decided not to condone the delay in submission of the appeal. Hence the appeal is not admitted.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded not to condone the delay in submission of the appeal. Hence the appeal is not admitted.


(Sanjay Awasthi)
Member Secretary

1. The Secretary, Choudhary Charan Singh T.T. College, Shri Ramnagar Colony, NH-11, Ranoli, Danta Ramgarh – 332403, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-820/E-96454/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Soni Devi B.S.T.C. College, Pacheri Kalan, Singhana Road, Buhana – 333515, Rajasthan dated 21.11.2018 is against the letter No. New Appl./RF/Raj./NRCAPP-6771/2013-14/47283 dated 07/06/2013 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. course on the following grounds: -

- *"The NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:-*
 - *The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations.*

- *The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government.*
- *In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."*

AND WHEREAS the appellant filed a S.B. Civil Writs No. 24325 of 2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their Order dt. 30/10/2018, disposed of the petition reserving liberty to the petitioner to avail the remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Sandeep Yadav, Managing Director and Sh. Bijendra, Assistant Director, Soni Devi B.S.T.C. College, Pacheri Kalan, Singhana Road, Buhana – 333515, Rajasthan presented the case of the appellant institution on 31/01/2019. In the appeal and during personal presentation, it was submitted that "*The Appellate Authority, NCTE had already decided by its Order dated 27.11.2017 that "Once applications are invited, the regional committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." The Deptt. of Elementary Education (Ayojana) Deptt., Govt. of Rajasthan had sent a letter to Member Secretary, NCTE, New Delhi on 01.01.2018 in which it is clearly mentioned that no ban has been imposed for D.El.Ed. course for session 2019-2020"*.

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs.

AND WHEREAS Appeal Committee also noted that while returning the application made by appellant institution, NCTE had also refunded the application fee. After return of application in original and refund of application fee by NCTE virtually no application had existed for several years. In the present scenario even if the applicant has now become eligible to apply afresh with necessary approvals from the affiliating body and the State Government, the already returned application cannot be revived in view of the direction of Supreme Court to decide all applications in conformity of NCTE Regulations, 2014. In many similar cases where applicants had filed Writ Petitions in the High Court of Judicature for Rajasthan, Bench at Jaipur, the direction given by the Hon'ble High Court to N.R.C. was to consider the applications of petitioners provided they apply afresh in accordance with the NCTE Regulations, 2014. Appeal Committee noted that in a few cases where appellants resubmitted their old returned applications, the N.R.C. without ensuring that the applicant submits a fresh application as and when NCTE invites applications, had mistakenly considered such applications, conducted inspections and issued L.O.s. On reconsideration of the whole matter Appeal Committee has now decided that appellant is free to submit application afresh as and when NCTE invites application by issuing a public notification. Appeal Committee has also decided to make a deviation from its earlier decision where a few appeal matters were remanded back which subsequently resulted in technical and procedural difficulties in view of the general guidelines given by the Hon'ble Supreme Court of India.

AND WHEREAS in view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.



(Sanjay Awasthi)
Member Secretary

- 1. The Managing Director, Soni Devi B.S.T.C. College, Pacheri Kalan, Singhana Road, Buhana – 333515, Rajasthan.**
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-893/E-100556/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

WHEREAS the appeal of Ideal T.T. College, Keshavraipatan – 323601, Rajasthan dated 15.12.2018 is against the Order No. NRC/NCTE/NRCAPP-10278/270th (Part-2) Meeting/2017/177519 dated 30/06/2017 of the Northern Regional Committee, refusing recognition for conducting B.Ed. course on the following grounds: -

- *The applicant institution has not submitted the reply of the SCN within the stipulated time.*

AND WHEREAS Sh. Shiv Shankar Sharma, President, Ideal T.T. College, Keshavraipatan – 323601, Rajasthan presented the case of the appellant institution on 31/01/2019. In the appeal and during personal presentation the appellant submitted the following:-

"The action of the respondents is contrary to article 14 and 21 of the Constitution of India. The respondent is a creation of Statute. It is a legal entity and it is an "authority" under Article 12 of the Constitution. The functions of the NCTE are regulated under the Statues, Ordinances, Regulations or Rules, etc. for its internal management. It is well settled that before passing such dracaena order, the NCTE must have the authority of law having some basis. The respondents are the instrumentality of State, they have under obligation to formulate the prosperous policy and implement in true perspective which encourage an individual towards the progress instead of pulling back. Show Cause Notice was not received to the appellant institution. It is not a case whereby the petitioner has concealed anything from the NRC-NCTE."

AND WHEREAS Appeal Committee noted that a Show Cause Notice (SCN) dated 15/03/2016 was issued to appellant institution to submit (a) Proof of being composite institution (b) Certified copy of land document (c) Notarised copy of Change of Land Use Certificate (CLU) (d) Approved building plan. Appeal Committee further noted that whereas reply to S.C.N. was required to be furnished within 30 days appellant institution did not submit any reply to S.C.N. on the ground that it did not receive any S.C.N.

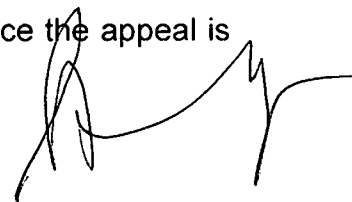
AND WHEREAS the impugned refusal order dated 30/06/2017 was issued and appellant was given another opportunity to prefer appeal under Section 18 of NCTE Act within 60 days in case it was not satisfied with the impugned order. The present appeal is delayed by a year and four months.

AND WHEREAS Appeal Committee noted that appellant institution had filed a S.B. Civil Writ No. 6635/2018 and the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur by its order dated 02/04/2018 had granted liberty to the petitioner to avail statutory remedy of Appeal. Appeal Committee noted that appellant even after getting orders dated 02/04/2018 of Hon'ble High Court granting liberty to file appeal, did not prefer appeal promptly and the present appeal was after 8 months of the Court order having been issued. Appellant did not submit any reason for causing delay in preferring appeal even after getting orders of Hon'ble Court.

AND WHEREAS Appeal Committee noted that grounds mentioned in S.C.N. dated 15/03/2016 also were indicated in the impugned refusal order dated 30/06/2017 and appellant was in a position to submit written representation within the time limit prescribed. Not mentioning any reason for delay indicates that appellant has not responded. Appeal Committee finally decided not to condone the delay. Appeal is not admitted.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during

the hearing, the Committee concluded not to condone the delay. Hence the appeal is not admitted.



(Sanjay Awasthi)
Member Secretary

1. The Manager, Ideal T.T. College, Keshavraipatan – 323601, Rajasthan.

2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.

3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.

4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-720/E-93074/2018 Appeal/2nd Mtg.-2019/30th & 31st January, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 11/03/2019

ORDER

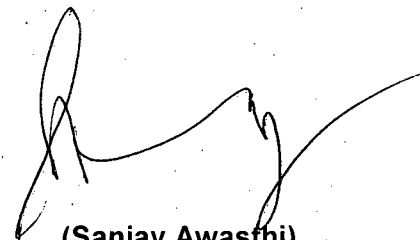
WHEREAS the appeal of Swami Vivekanand STC College, Shahbad, Kelwara, Rajasthan dated 13/10/2018, against the Letter of the N.R.C. dt. 05/06/2013 returning their application for conducting D.El.Ed. course, was rejected and the decision of the N.R.C. was confirmed by the Council in their appellate order dt. 31/12/2018.

AND WHEREAS the appellant filed a S.B. Civil Writs No. 4183/2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 26/02/2019, closed the proceedings with a direction to the petitioner to address a comprehensive representation to the respondents. The Hon'ble High Court also observed that in case, a representation is so addressed within the aforesaid period (within a week as agreed to by the petitioner), the respondents are directed to consider and decide the same by a reasoned and speaking order in accordance with law as expeditiously as possible; however in no case later than two weeks from the date of receipt of the representation along with a certified copy of this order.

AND WHEREAS the appellant sent a letter dt. 28/02/2019 to the Council, which was received on 01/03/2019. In this letter, the appellant merely requested that the application of the petitioner-institute may be re-considered and recognition granted for D.El.Ed. course for the academic session 2019-20 and also for subsequent academic sessions.

AND WHEREAS the Committee, in compliance with the directions of the Hon'ble High Court, considered the above mentioned letter of the institution in their meeting held on 08/03/2019. The Committee noted that, while the appellate order dt. 31/12/2018 itself is quite comprehensive and speaking, the appellant, in their letter dt. 28/03/2019,

has not made any submissions, whatsoever, warranting fresh consideration. In these circumstances, the representation of the appellant is rejected.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Swami Vivekananda STC College Kelwara Danta, Shahbad, Kelwara – 325216, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.